



## **POLICE AND CRIME IN INDIA**

*By the Same Author*

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# POLICE AND CRIME IN INDIA

BY

SIR EDMUND C. COX  
BART.

AUTHOR OF "MY THIRTY YEARS IN INDIA," ETC. ETC.

WITH TWENTY-EIGHT ILLUSTRATIONS

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To  
OFFICERS AND MEN  
OF ALL GRADES  
OF  
THE POLICE  
OF  
THE BOMBAY PRESIDENCY



## PREFACE

THE Indian Police have of late been very much on their trial. My object in writing this book has been to enable the public to form its own judgment upon this much-abused department.

The Police department in India is the very essence of our administration. There is no other which so much concerns the life of the people. To the ordinary villager the blue-coated head-constable, or even constable, is the visible representative of the Sirkar, or Government. There is no one upon whose goodwill and uprightness his happiness so greatly depends.

Who are these Police? What like are they? Are they high-handed oppressors, or are they the loyal servants of Government, and the protectors of the poor? To these questions I have endeavoured to suggest answers.

To compare the Indian with the English Police—the worst-paid Police in the world with the best-paid—would, I submit, constitute a test that is neither reasonable nor fair. But I think that a comparison of the Police of India with, say, the Police of Italy would not be unfavourable to those of our great Dependency.

Further, when we think of the English Police of to-day, let it not be forgotten that so recently as 1839 the Report of the Police Commission presented to Parliament contained a melancholy picture of the

state of the English Police, and of the attitude of the people towards them.

In India allowances must be made for the material that we have to deal with, and the oriental traditions that cannot be eradicated in a generation or even in a century.

As I wish to give an idea of the Police governance of India, I have thought it advisable to include a summary of the principal laws which the Police have to enforce, and by which they are themselves controlled.

To show the enormous difficulties with which an underpaid, undermanned, and overworked Police force has to contend, I have endeavoured to describe some of the criminal classes, and I have given examples of various phases of crime.

My sketch of what passed for Police arrangements in India before the inauguration of British rule will, I hope, demonstrate the immense improvement which, in spite of all imperfections, we have succeeded in effecting.

EDMUND C. COX.

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NOTE.—It is usual on the departure of an officer from his district, whether on transfer or on furlough, to hold a complimentary meeting and place a garland of flowers round his neck.

My obligations are due to the following books :

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Life of Mountstuart Elphinstone (J. S. Cotton).  
Life of Sir Thomas Munro (John Bradshaw).  
Life of Lord Macaulay (Trevelyan).  
Life of Sir Charles Napier (W. Napier Bruce).  
Life of Lord William Bentinck (Demetrius Boulger).  
India in 1880 (Sir Richard Temple).  
The Indian Empire (Sir W. W. Hunter).  
Imperial Gazetteer of India (Sir W. W. Hunter).  
Medical Jurisprudence for India (Norman Chivers, M.D.).  
Outlines of Medical Jurisprudence for India (J. D. B. Gribble  
and P. Hehir).  
British Rule in India (Rev. Sir George W. Cox, Bart.).  
Criminal Tribes (Major Gunthorpe).  
Criminal Classes (Michael Kennedy).  
Classification and Uses of Finger-Prints (Sir Edward Henry).  
The Asiatic Quarterly Review.  
Haunts and Hobbies of an Indian Official (Mark Thornhill).  
Below the Surface (Major-General Fendall Currie).  
The International Police Magazine (Madras).  
Report of the Indian Police Commission (1905).  
Thieves and Swindlers (S. B. Banerjee).

# POLICE AND CRIME IN INDIA

## CHAPTER I

### OUR EARLY ACHIEVEMENTS

INDIA, and all the visions that it conjures up ! The mystical, incomprehensible East ; its profound philosophies, its abstruse and subtile religions ; cities ancient when London was yet unborn ; carven Hindoo temples at whose altars minister priests versed in the lore of thousands of years ; graceful mosques where the muezzin calls to their devotions the followers of the prophet of Mecca ; crowded bazaars and market-places, a mass of kaleidoscopic colour ; its multitudinous populations ; the grave Mussulman, the inscrutable Hindoo, the naked fakir smeared with ochre and white ashes, the nautch-girl with her jingling anklets ; its babel of languages ; its artificers skilled in the working of wood, metal, and precious stones ; weavers of muslin so delicate that sufficient wherewith to make a wedding-dress may be passed through a wedding-ring ; incalculable riches side by side with abject poverty ; the land where Buddha, the Light of Asia, made his great renunciation and preached his loveless gospel of Nirvana ; boundless plains teeming with rice and oil and millet ; graceful palm-trees ; rock-hewn fortresses ; lone, sandy deserts, mighty rivers, and



snow-capped mountains; a land where the widow of a deceased Hindoo was burnt alive on her husband's funeral pyre; where the relentless Thugs, banded together in the name of a goddess, strangled their countless victims with a handkerchief; a land whose history was one of perpetual warfare, bloodshed, rebellion, assassination, and violent catastrophe, until a few white people from a little island in the Atlantic come and say, "War shall cease, we will tolerate no murder in the name of religion, we give you peace, we unfold knowledge, we pour forth the blessings of civilization," and the English flag waves proudly over the land from Quetta to Mandalay, from Peshawar to Comorin.

And from all these innumerable well-springs of romance, from these potentialities of infinite variety, we must turn aside to consider so prosaic, commonplace, and humdrum a subject as the Police. This essential of modern life lacks the sensational character of the era of conquest which preceded its installation. To subdue the wild Mahrattas, to conquer the stalwart Sikhs and enrol them under our banner, that they might fight in our armies along with the haughty Rajpoot, the proud Mahometan of the north, and the trans-frontier Yusufzai, was a more imposing achievement than is suggested by the term "Police." This drama of a century, with its flare of military glory, appeals vividly to the imagination of even those who know little of the details of the long conflict. Beside the magnificent exploits of a Clive, a Lake, or a Wellesley, the minutiae of government, the upholding of law and order in village and jungle, the safeguarding of life and property by the civil power when the soldier has been withdrawn to his remote military cantonment, are things

which may well seem to pale into significance. How can such a subject as Police be of interest to the ordinary reader ?

But is there no element of romance to be found in this humbler sphere ? Is there nothing wonderful in the organization and administration of the Police in India ? Let us see what is being done in a country as extensive as half of Europe.

We find districts comprising the area of Denmark or Belgium administered, on the whole with extraordinary success, by bodies of native police, directed and guided by a single English officer, not a soldier, European or native, being stationed within his limits. Under European direction—this elemental fact must never be lost sight of—it is by the police that we control the descendants of the Mahratta warriors, who, inspired by their national hero, Shiwaji, two hundred and fifty years ago threw off the Moghul yoke, and carried fire and sword over the length and breadth of the land, till they watered their horses in the Indus and the Hooghli ; against whom the vast armies of Aurungzebe, Emperor of Delhi, hurled themselves in vain for half a century, and to protect themselves from whose incursions the English merchants in distant Calcutta had to dig round their settlement the trench known as the Mahratta ditch. On the Malabar coast the sons of the most daring pirates, the infamous brood of Angrias, whom it took the East India Company generations to pursue, still live in their ancestral haunts, kept in restraint only by the police. Instead of piratical barks we have taught them to man English lifeboats.

In Khandesh we have enlisted as police the wild tribe of the Bhils, whose fathers, down to the last

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Mahratta war of 1818, murdered and robbed all who came within their range, and whose subsistence depended upon the fruits of pillage and plunder. In Sind, again, the descendants of the fierce Beloochi soldiers, who proved themselves foemen worthy of our steel at the battles of Miani and Hyderabad, wear the blue uniform of the police, and enforce the will of the Sirkar (Government). It is not the natural gentleness of the inhabitants that in most parts of India makes it possible for them to be held in check by small bodies of their own countrymen. Tradition and hereditary disposition are too frequently in sympathy with lawlessness, robbery, and murder. The police force of India, as it now exists, is an exotic institution created by us, and developed by slow degrees. It owes its success not to the favourable nature of the soil for the growth of this imported plant, but to the organization of its English rulers, and their genius for establishing law and order.

It is a remarkable coincidence that in India, as in England, the most striking episodes in the policing of the country took place before the regular police were established. In England the highwayman, picturesque in romance and on the stage, but merely brutal and revolting in actual life, not a century ago rendered travelling on horseback or by coach risky and precarious. He was extirpated, as had been his prototype the wolf, from these islands by special measures, assisted by the public spirit of the people, at a time when such police as existed were notoriously inefficient. Similarly in India, three of the most terrible phases of criminality were swept away before any regular force of police had been instituted. There was this difference, however, that in India the Government had to depend upon the unaided efforts of its

own officers. Neither then nor now is any assistance to be expected from public spirit. The people look on unconcernedly at their rulers' reforms. *Vis inertia*, a violent determination to do nothing, has always been their prevailing characteristic.

Before proceeding to describe these atrocious series of crimes I should like briefly to refer to the opinions expressed by some English statesmen regarding British rule in India. Mr. John Bright was strongly of opinion that we ought not to hold India at all. Mr. Cobden, in 1860, recorded the following profession: "I look on our rule in India as a whole with the eye of despair. The English people in Parliament have undertaken to be responsible for governing a hundred and fifty million of people despotically in India." (The number is now three hundred millions, and may have then been two hundred and fifty.) "They have adopted the principle of a military despotism, and I have no faith in such an undertaking being anything but a calamity and a curse to the people of England. We shall suffer all kinds of trouble, loss, and disgrace. Every year will witness an increased drain of men and money to meet the loss entailed upon us. It is from an abiding conviction in my mind that we have entered upon an impossible and hopeless career in India, that I can never bring my mind to take an interest in the details of its government." Let this one passage serve as an instance of this trend of thought. Possibly what I am going to relate may prove an antidote to such vain imaginings.

Up to the year 1829 there existed in India a most amazing and abominable custom known as Suttee. It was based upon the authority of the Rig Veda, a collection of Hindoo religious poems, compiled

perhaps two thousand years before Christ. This dread scripture ordained that upon the death of a Hindoo his widow should be burned alive upon the funeral pyre of her deceased husband.

Terrible descriptions of this hideous rite have been given by European witnesses. You can picture to yourselves the great pile of wood beside the white temple beneath the spreading pipal-tree, the concourse of mourners, the procession of priests, bearing upon a wicker bier the corpse of the husband. You can imagine the remains being placed on the pyre, while the people shout "Rama, Rama,"\* and the officiating priests burn incense. And then from the house of death comes another procession, composed chiefly of women, but led by priests. Amidst them is the widow, decked out in her richest garments and finest ornaments. On she slowly comes. She is partly drugged that she may have less comprehension of what is before her. With only partial possession of her senses, she distributes betel-leaves to the bystanders. As she draws near the fatal place she realizes the meaning of it all. Nature asserts itself. But the blare of the conches and the shouts of the throng drown her screams as the victim is led to the sacrifice. The torch is put to the pyre, and the flames consume the living with the dead.

Even before any Englishman had reached India, some endeavours had been made to mitigate the evil, if it could not be extirpated. The great Emperor Akbar, who ruled at Delhi when Elizabeth was Queen of England, issued an edict forbidding the rite of suttee in all cases in which the widow had not resolved upon it herself. But what confidence could

\* The god who conducts the dead to the unseen world.

there be that such a resolution was ever voluntarily undertaken ?

The iniquity roused the indignation of Lord William Bentinck, who was Governor-General in 1829. His councillors told him that to abolish the rite would be dangerous in the extreme, for it would incense the whole of our native army. But the councillors spoke in vain. The thing was shameful, and it had to go. What previous Governor-Generals had failed to do, he did. In no light or hasty spirit, but weighing with the utmost care and impartiality the arguments on either side, Lord William Bentinck recorded his final decision. Those implicated in suttee were deemed to commit murder ; those present were held to abet the act. The English ruler did not know that the verse in the Rig Veda which the Brahmins used as an authority for the infamous custom was garbled, and that the real meaning of the text was deliberately misinterpreted by the unscrupulous priesthood to sustain their own importance. But to the Governor-General it would have mattered little whether the authority for such an iniquity were genuine or not. So widespread was the system that in a single year no less than eight hundred cases of suttee were reported in Bengal alone. Any one familiar with the value of Indian statistics can well imagine that this figure represented but a moiety of the total.

Lord William Bentinck's minute on the question is so weighty, and at the same time so illustrative of the methods pursued by English rulers in India, that I do not hesitate to reproduce the following excerpts from the document :

“Whether the question be to continue or discontinue the practice of suttee, the decision is equally

surrounded by an awful responsibility. To consent to the consignment, year by year, of hundreds of innocent victims to a cruel and untimely end when the power exists of preventing it, is a predicament which no conscience can contemplate without horror. On the other hand the sanction of countless ages, the example of all the Mussulman conquerors, the unanimous concurrence in the same policy of our own most able rulers, together with the universal veneration of the people, seem authoritatively to forbid, both to feeling and to reason, any interference in the exercise of this natural prerogative. If heretofore-received opinions are to be considered of any value, to put to hazard by a contrary course the very safety of British empire in India, and to extinguish at once all hopes of those great improvements—affecting the condition not of hundreds and thousands, but of millions—which can only be expected from the continuance of our supremacy, is an alternative which, even in the light of humanity itself, may be considered as a still greater evil. . . .

“The first and primary object of my heart is the benefit of the Hindoos. I know nothing so important to the improvement of their future condition as the establishment of a purer morality, whatever their belief, and a more just conception of the will of God. The first step to this better understanding will be the dissociation of religious belief and practice from blood and murder. They will then, when no longer under this brutalizing excitement, view with more calmness acknowledged truth. They will see that there can be no inconsistency in the ways of Providence, and that to the command received as divine by all races of men, ‘No

innocent blood shall be spilt,' there can be no exception.

"It cannot be a dishonest ambition that the Government of which I form a part should have the credit of an act which is to wash out a foul stain upon British rule, and to stay the sacrifice of humanity and justice to a doubtful expediency."

Thus, after calmly and scrupulously considering the reasons for and against the momentous step, Lord William Bentinck determined to wash out the "foul stain" upon our rule. The Brahmins threatened resistance, but their efforts were useless, and the rite was soon a thing of the past.

A year after this law was enacted it fell to the lot of the same Governor-General to deliver the country from a scourge of another kind. Spread over almost the whole of India there existed an extraordinary secret society commonly known as Thugs. The word Thug means a cheat, and the more accurate designation of these malefactors was *phansigar*, from *phansa*, a noose. This society embraced Hindoos and Mahometans alike. Its members were banded together in the name of the goddess Bhawani to reduce murder and robbery to a system under the religious sanction of the fell deity. Long as the nefarious association had existed, the English apparently knew little or nothing concerning it until about the year 1810. Their suspicions became aroused by the mysterious disappearance of many of the sepoy when on furlough. Inquiries were made in various quarters. For some time there was not much result. But in 1829 the leader of one of the bands gave himself up to Major Sleeman, deputy-commissioner of Saugor, as he sat at the door of his tent. This man had a strange and terrible tale to



unfold. At a time when dacoits and bandits infested the roads, travellers looked to obtain safety by moving in companies. So when the merchant or banker journeyed from one city to another on his business affairs, or the sepoy proceeded to his native village to enjoy a period of rest, they were glad to welcome the companionship of other travellers whose errands took them in the same direction. The manners and conversation of their new friends were fascinating. For several days they might march on together, until one evening when the Thugs had selected a secluded spot beneath a mango tope, or beside a nullah, for the evening meal, the handkerchief of each Thug was round his victim's neck, and in a few short moments the bodies of the merchants or sepoys were buried in graves already prepared for them. Beneath the very spot where Major Sleeman's tent was pitched, his informant told him that the bodies of travellers murdered by the Thugs were concealed. The tale was true, and the remains were found. The gang was taken, and many more Thugs turned informers. A searching investigation followed, and the whole of the iniquitous organization was brought to light. A special department for the complete suppression of Thuggee was created, and placed in the charge of Mr. F. C. Smith, Agent to the Governor-General for Central India, and Major, afterwards Sir William, Sleeman. Within six years two thousand Thugs were convicted, and Thuggee became extinct. Those who were most deeply implicated were hanged. A larger number were imprisoned for life at Jubbulpur, where they were employed in making tents.

The third phase of criminality which was practically stamped out in India before the institution of any

regular police—although cases may even now occasionally occur—was that of female infanticide. This crime was not limited to any class or locality, but it was especially prevalent amongst the people of Rajpootana. The Rajpoots are so inordinately proud of the antiquity of their race that they affect to trace back their lineage to the sun and the moon. Overflowing with family pride, they held it the greatest disgrace that a daughter should attain marriageable age without a husband of suitable rank being found for her. But this was frequently difficult; so, to obviate possible or probable contingency, they destroyed a large proportion of the girls that were born to them. Another reason for this barbarous procedure was the extravagant expenditure entailed by custom on the parents at the marriage of a daughter. The extent to which this female infanticide was carried proved on inquiry to be stupendous. It was found that in many villages of the Benares district there were no girls at all. In Mynpuri, out of thirty villages there were only 37 girls to 329 boys. As soon as the facts were realized, drastic measures were taken, and the success obtained demonstrated the magnitude which the evil had attained. In Mynpuri itself the number of Rajpoot girls rose in a dozen years from none at all to 250; and in the Agra district the number of female children soon doubled. Much of the credit due for this great reformation belonged to Mr. Jonathan Duncan, who was Commissioner of Benares. In 1795 this vigorous officer became Governor of Bombay, and he continued his invaluable work in the west of India. Numberless children were preserved by his efforts in Kathiawar, Goozerat, and Rajpootana.

These are the three special evils which were success-

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fully combated by the civil authority in the earlier days of our administration. I will now turn to the general state of the country when we took it over, to the police system, if such it can be called, that we found in existence, and our efforts to improve or reform it.

## CHAPTER 11

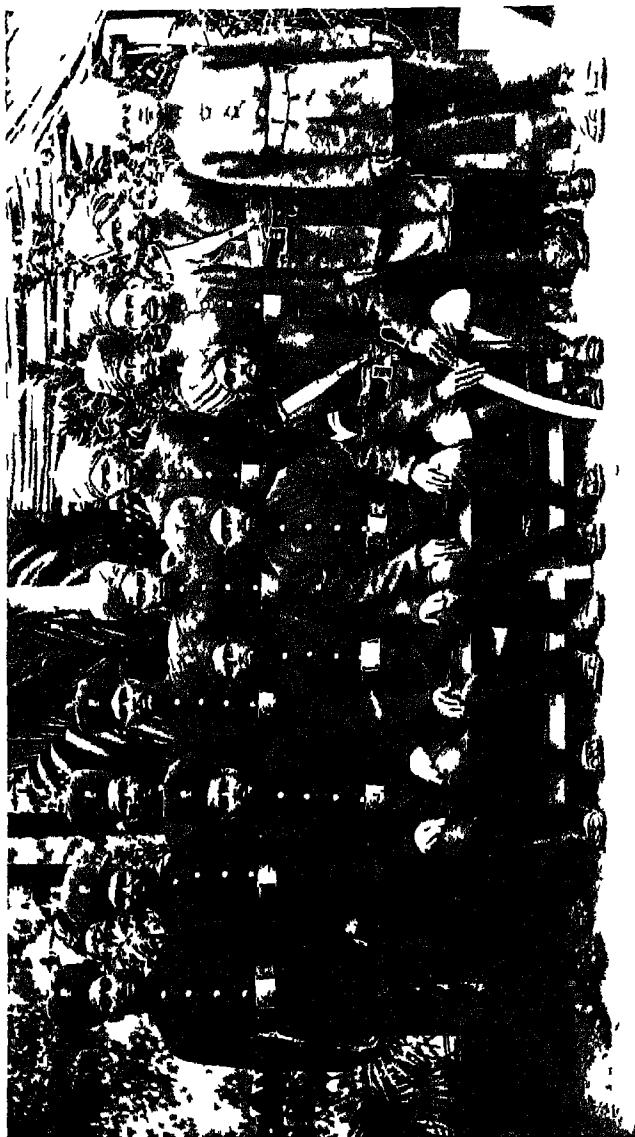
### THE APPALLING STATE OF THE COUNTRY AT THE COMMENCEMENT OF BRITISH RULE

INDIA is a country whose soil has always been a happy hunting-ground for plunderers, marauders, robbers, and cheats. The timidity and credulity of the people have encouraged and stimulated the passions of such as consider society to exist merely that they may prey upon it. There have always been gradations amongst these evildoers, each class in turn despising the next beneath it in the criminal scale. The ordinary thief was of little account in this list of dignities. The stealthy burglar was an object of contempt to the more enterprising robber, as was the robber to the still more daring dacoit. The dacoit was looked down upon by the freebooter, who scoured the countryside; and all of these were regarded by the Thug as the carrion crow might be by the vulture. At the highest eminence of this illustrious scale were the Mahrattas, who founded kingdoms based upon wrong and robbery. Next below these were the Pindharis, whose depredations assumed such vast proportions that they, like their masters, the Mahrattas, had to be subdued, not by the civil, but by the military power.

The origin of the Pindharis is uncertain; but a horde of these miscreants fought on the side of the

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Mahrattas in the fateful battle of Paniput, near Delhi, in 1761, when the Afghan invader, Ahmed Abdali, inflicted a crushing defeat upon the army of the Peshwa. They may be described as companies of irregulars, who, when it suited them, entered the service of the Peshwa, Sindia, Holkar, or other great chiefs, or more often raided the country on their own account like a flight of devouring locusts. They included men of any caste or creed, Mahometan or Hindoo. The Pindharies were fiends in human shape. Marching in bands thirty or forty miles a day, they burnt, plundered, ravished, and slew in every direction. To extort money they invented the most awful tortures. If the banker or village money-lender showed any reluctance to part with his wealth, the head of their victim was thrust into a bag used for feeding horses that was filled with red-hot ashes ; or oil was smeared on his clothing and fire set to it. Such was the terror inspired by their very name, that on their approach men would set fire to their huts and die in the flames, and the women throw themselves into the wells, rather than undergo the treatment that they expected. In the campaign of 1817-18, when we conquered the west of India from the Peshwa, these incurable ruffians were extirpated. In a number of engagements and encounters they were brought to bay by our troops. Many were killed, and the rest fled. The fugitives, in their hour of retribution, received scant mercy from the villagers to whom they had been an unspeakable terror. The body of one of the Pindhari leaders named Chetoo was found in the jungle near the fortress of Asirguhr half eaten by a tiger. Pindhari raids became a thing of the past. Such of the banditti as survived mingled with the ordinary



A GROUP OF POONA POLICE



population, and were compelled by the irresistible weight of British law to turn their swords into ploughshares.

Such was the country which we had to police. The task might wellnigh seem a hopeless one. Turning for a moment from the character of the people, a character which may be described as a mixture of ravening wolves and of helpless sheep, let us give a moment's reflection to other factors in the vast problem. I have referred to India as being equal in area to half of Europe, with a population of three hundred millions. Let us think what this means. India is as large as Great Britain, France, Spain, Portugal, Germany, Austria, Italy, Denmark, Holland, Belgium, and Switzerland put together. The populations of Bengal, Burmah, Madras, Bombay, and the Punjab differ the one from the other in race, language, religion, customs, and dress, as much as the Scottish highlander differs from the Sicilian or the Maltese. There are said to be fifty languages spoken in India, most of them bearing as much resemblance to one another as do English and German. In religion there is the Buddhist, with no god at all ; the Hindoo, with over three million deities ; and the Mahometan, who insists that God is one and one only. The chief deity of the ordinary Hindoo is his goddess the cow, whom he considers it is sacrilege to kill, while the Mahometan likes to make his meal on beef. The Mahometan looks on the Hindoo as an infidel and idolater, the Hindoo on the Mahometan as the hereditary enemy and defiler of his faith. The Mahometans are split up into the two bitterly hostile divisions of Shiahs and Soonnies, whose feeling towards each other is more acute than that of Protestants and Catholics in Ireland. To police



these multifarious units, to protect the weak and to curb the insolent, to give them a law which shall not be broken, has been a work of almost insuperable difficulty. But it has been accomplished. It was not done by Aladdin's lamp, or a magician's wand ; not in a day, but gradually, slowly, yet persistently.

In truth it took a long time before it seemed that we could effect anything at all. To show how little result there was for many decades, I will narrate the following experiences of Mountstuart Elphinstone, who lived to be Governor of Bombay. In January 1801, when Elphinstone was a student in the college which had recently been founded in Fort William (Calcutta), he and another young civilian named Strachey were appointed to be secretaries to the resident at Poona, then the capital of the Peshwa, and of course foreign territory. The two young officers—Strachey aged about twenty-three, and Elphinstone only twenty-one—set out for Poona at the head of a numerous cavalcade. They had eight elephants, eleven camels, four horses, ten bullocks of their own, besides tatoes (ponies) and bullocks belonging to their servants. They had twenty sepoy, and from one hundred and fifty to two hundred servants and coolies.

The whole thing is amazing to us, for whom the journey from Calcutta to Poona means a couple of days' travelling in luxurious first-class carriages. Our young friends took a whole year in reaching their destination. It would be interesting to know for what they received their pay, and whence they obtained it, and how they submitted their travelling allowance bills. Was there no Accountant-General in those days ? *O si sic omnia*. The direct route from Calcutta to Poona is 950 miles. But by the route

which these junior civilians adopted it was practically doubled. They proceeded along the eastern coast as far as Madras, thence to Mysore, and so north to Hyderabad, where they lingered for three months.

The experience, however, which Elphinstone gained was to stand him in good stead during his later career. He was determined to learn all that he could of the country and the people. Here is an extract from his diary :

“ I will not scruple to turn out of my way whenever there is a place distinguished for its natural beauty, its buildings, or the remarkable actions of which it has been the scene, even if it should be fifty miles out of the regular road. I will try to observe the produce of the country—the sorts of grain, trees, etc. I will talk as much as I can with the principal people on the modes of collecting revenue and administering justice, and the effects of the acts of our government on the natives.”

After leaving the British district of Midnapur, the first portion of their journey lay through a part of Orissa which was then under Mahratta rule. Elphinstone noticed at once a change in the demeanour of the people, who “ were not rude, but showed us no respect.” In the evenings they crowded round the encampment to see the Englishmen go through their exercises, which consisted in throwing the spear, the sword exercise, and firing at a mark with pistols. At Poori, close to the far-famed temple of Jugganath, they met a Mahometan fakir, who prophesied the advent of British rule.

“ He called us to him,” Elphinstone wrote, “ and said, ‘ Listen ! when will you take this country ? This country needs you. The Hindoos here are villains, but you are true men. When will you take

this country?' We answered, 'Never.' He said, 'Yes, you will certainly take it.' The prophecy was fulfilled sooner than most prophecies are. Within two years the territory was ceded to us after the battle of Assaye, in which Colonel Wellesley, the future Duke of Wellington, defeated the armies of Sindia and Holkar.

Continuing their journey, our travellers entered that portion of the Madras Presidency which is known as the Northern Circars (Sirkars). This had been nominally British territory for about forty years. Nevertheless, they found themselves less secure than in Orissa. Mr. Brown, the collector, wrote to them that his province was in complete distraction. Refractory zemindars were plundering the open country, and burning villages were to be seen on every side. Mr. Brown sent a Malhatta free-lance, with thirty or forty men, for their protection. Under this foreign escort they marched through a British province in military array.

To me, who have served over thirty years in India, mostly in the police, the state of things described as having existed just over a hundred years ago seems almost incomprehensible. Law and order are nowadays so thoroughly accepted as the natural state of things, that it is difficult to imagine a time when the contrary seems to have been the case. But Elphinstone's testimony is unimpeachable.

It may not unnaturally be asked if there was no police system in India before the establishment of British rule. Under the Moghul Empire, and under the rule of the Peshwa, surely there was some provision for the enforcement of law? I will first endeavour to answer the question, and then proceed to describe our own early efforts to build up an efficient police.

## CHAPTER III

### POLICE UNDER HINDOO AND MAHOMETAN GOVERNMENTS

THE Police in India are of two kinds. First and foremost there is the regular police force, which is organized so far as may be on the English model. The officers and men are paid by the state—that is to say, from imperial, and not from provincial or local funds. This force is an institution of our own. Before our time, and indeed for a considerable period after the inauguration of British rule, the idea of a separate regular police force, whose functions should be those of police and of nothing else, had not been thought of. Next comes the village watch, which is a subsidiary to the regular force. Members of this body hold office by quasi-hereditary tenure, and are paid by emoluments drawn from the villages. The village watch is known by various names in the different provinces. In Bengal the members of the establishment are called Chowkidars. In Madras they are termed Taliaries and Kavalgars. In the Bombay Presidency the institution is spoken of as the village police. The village watch is a survival of the governments which we deposed. This book would be incomplete if I did not include in it some description of the village police. But most of its pages will be devoted to the regular force.

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I will now describe the conditions which existed before we governed India. From the time of the Moghul Emperor Akbar, there was in the larger towns an officer entitled Kotwal. He was law-officer, or magistrate; and in addition to this he was superintendent of police. To carry out his orders there was a collection of tagrag and bobtail tatterdemalions, who might be employed on duties such as in our view appertain to the police, or as bailiffs or process-servers, or in the collection of revenue, or other miscellaneous duties. The task of keeping order in the streets on the occasion of a royal procession, or similar important ceremony, was entrusted, not to police, but to soldiers.

In some instances the kotwal was allowed periodically a lump sum, out of which he contracted to supply the rank and file of this establishment, and to be responsible for their salaries. The kotwal of Poona, for instance, under the government of the Peshwa, received a considerable allowance, or contract grant. In return for this he had to maintain a large establishment of "peons," \* some horse patrols, and a considerable number of "Ramoshis," † while he was pecuniarily answerable for the value of any property that might be stolen. As the pay of the men was only a paltry pittance, it is not wonderful that the appointment was considered a lucrative one, and was much sought after. Besides, the kotwal, like his subordinates, supplemented his stipend by un-

\* *Peon* nowadays means a government messenger, or person employed on similar petty duties.

† A *Ramoshi* is a member of a criminal tribe, and frequently employed as a watchman. This is on the principle of blackmail. Other *Ramoshis* do not molest a house where one of their class is entertained for its protection.

authorized exactions from the inhabitants, whose interests he was supposed to protect.

In the time of Bajī Rao, the last of the Peshwas, there was a kotwal in charge of Poona who was named Ghasiram. He was a Brahmin from the north of India. He obtained the goodwill of the Peshwa, and so rose to eminence. Thus safeguarded, he employed for years the powers of the police, in the way of exaction and oppression, beyond even the limit that by the customary latitude of those times was admitted as legitimate. It was suspected that he even went to the length of causing his men to commit robberies and murders. The natives illustrate his career by stories that are almost incredible. At length the iniquities of Ghasiram came to light. He was tried and convicted. He was then led through the city on a camel, exposed to the derisive jeers of the populace, and finally abandoned to the fury of the inhabitants, by whom he was stoned to death.

Both for the towns and for the country districts, Akbar promulgated elaborate police rules and regulations. But the reforms of the great Emperor were evanescent. He passed away before the first Englishman set foot on Indian soil ; and it cannot be said that when we did reach India we found his orders in active force. The following extracts, however, from this beneficent ruler's curious regulations may be of interest :

“ The kotwals of cities, towns, and villages, in conjunction with the royal clerks, shall prepare a register of the houses and buildings of the same, which register shall include a particular description of the inhabitants of each habitation. One house shall become security for another ; so that they shall all be reciprocally pledged and bound each for the other.

They shall be divided into districts, each having a chief or prefect, to whose superintendence the district shall be subject. Secret intelligencers or spies shall be appointed to each district, who shall keep a journal of local occurrences, arrivals, and departures, happening either by day or night. When any theft, fire, or other misfortune may happen, the neighbours shall render immediate assistance; especially the prefect and public informers, who, failing to attend on such occasions, unless unavoidably prevented, shall be held responsible for the omission. No person shall be permitted to travel beyond, or to arrive within, the limits of the district, without the knowledge of the prefect, the neighbours, or public informers. Those who cannot provide security shall reside in a separate place of abode, to be allotted to them by the prefect of the district and the public informers. . . .

“A certain number of persons in each district shall be appointed to patrol by night the several streets and environs of the several towns, cities, villages, etc., taking care that no strangers infest them, and especially exerting themselves to discover, pursue, and apprehend robbers, thieves, cut-purses, etc. If any articles be stolen, the police must restore the articles, produce the criminal, or, failing to do so, become responsible for the equivalent.”

In the country districts, apart from the village watch, where there were any police at all they were left to the management of the landholders and revenue officers. In spite of the edicts of Akbar, no kotwals were in actual fact to be found, except in the larger towns. The landholder was bound to apprehend all disturbers of the public peace, and to restore the stolen property, or make good its value. Under the Zemin-

dar, or great landlord, there were a number of subordinate tenure-holders, all of whom were required in their degree to perform police duties, and to bear for their portions of the estate the responsibilities which rested upon the zemindars for the whole.

That was the theory of the arrangement. What we found in fact was that the landholders, great or small, had each their collection of myrmidons who plundered the peasantry in their name. Instead of protecting the inhabitants of their estates, they grossly abused the authority entrusted to them for that purpose. Here is an extract from a despatch submitted on the subject by the Government of India to the Court of Directors in London: "The Zemindars extorted and amassed wealth which was dissipated in a jealous rivalry of magnificent pageantry. The weapons which were intended for the enemies only of the state, were turned against the state itself, and against each other, and were used for plans of personal aggrandisement, mutual revenge, or public plunder. It was sometimes with difficulty that the regular or standing army of the state could restrain the insolence, or subdue the insubordination of these intestine rebels and robbers."

I have recently read a description of Abyssinia of to-day by Sir John Harrington, British plenipotentiary to the Emperor Menelek. "While a certain crude system of government exists," he writes, "it is unfortunately one of brigands and robbers; and no man, unless he belongs to the ruling race, is able to call his property his own." There could be no more apt description of the government of India in the palmy days when the intrusive Anglo-Saxon had not yet desecrated her shores.

From my own experience of the great zemindars



in the province of Sind, I can safely say that if they had the same power now, many of them would use it in a similar way. Their status, even without the addition of any legal powers, is that of an unscrupulous and powerful Roman Catholic archbishop in the dark ages. Generally a Mahometan, the zemindar is looked upon by his followers as the representative of his religion, vested with unlimited powers to bless or to ban. He is often spoken of as a Pir, or saint, as well as a landlord. At his bidding his farmers or labourers are ready to rob, plunder, and murder. Courteous in manner, grave and dignified in demeanour, profuse in hospitality, he is not infrequently engaged in the most nefarious plots and conspiracies. I remember one of these gentry named Satabo Khan. He had a more or less fortified mansion on the River Indus. A police sawar \* named Azimocollah was deputed to serve a summons on him. There is no doubt that Azimocollah reached Satabo Khan's village. But of the sawar, his horse, gun, saddle, or uniform, not the faintest trace was ever seen again. The disappearance was absolute. The man, of course, was murdered, and the remains effectually concealed. Had he and his horse accidentally stumbled into the Indus and been drowned, the bodies of horse and man must ultimately have risen to the surface. Satabo Khan was in the end murdered by the men of a rival landlord named Abdool Futteh. Later on, Abdool Futteh was in his turn hacked to pieces by the followers of the murdered Satabo Khan. These are the men who in the old *régime* would have administered what was held to be justice. So much for kotwals and zemindars. The village watch must have a separate chapter.

\* Mounted constable.

## CHAPTER IV

### POLICE UNDER HINDOO AND MAHOMETAN GOVERNMENTS (*continued*)

WE will now turn to the ancient institution of the village watch. The quaint specimens who figure in this curious company irresistibly remind us of the immortal Dogberry and Verges.

*Dogberry.* "Come hither, neighbour Seacoal. You are thought here to be the most senseless and fit man for the constable of the watch ; therefore bear you the lantern. This is your charge—that you comprehend all vagrom men ; you are fit to bid any man stand, in the Prince's name."

*Watch.* "How if he will not stand ? "

*Dogberry.* "Why, then take no note of him, but let him go ; and presently call all the rest of the watch together, and thank God you are rid of a knave."

The village police existed for centuries before India came under the rule of Mahometan or Christian conquerors. The constitution of a Hindoo village community was, and to some extent still is, so peculiar, that I will try to describe one of these miniature republics as a whole, over and above, but nevertheless including, its police organization. In a village of, it may be, some six hundred inhabitants, there was a body of twenty-four persons,

twelve of major, and twelve of minor, importance, who either administered the affairs of the village, or contributed their services to the public good. Probably in very few villages was the establishment ever really complete. Headman of the village, and responsible to the Government for law and order, was an officer in the west of India denominated *patel*. He was elected for a term of years, or for life, by the landholders of the village, from the members of the family which possessed hereditary right to the appointment. Generally uneducated, the *patel* had as his lieutenant an hereditary accountant, called the *koolkerni*, usually a Brahmin, whose duty it was to keep the village accounts, write reports of crimes, and carry on such correspondence as might be necessary. Amongst the other members of the *commune* were the carpenter, the blacksmith, the shoemaker, the water-carrier, the oil-seller, the musician, and the bard. Payment was made to each and all by the community for his services to it in land, money, or more commonly grain, the recipients being collectively known as *balootidars*, from *baloot*, a handful of grain. With the increased circulation of currency, the opening up of the country by roads and railways, and the consequent counter-influence to the centripetal tendencies, which had made each village a self-contained unit rather than part and parcel of an extended nationality, the system was doomed. In some remote localities the village republic is still to be found more or less in its original form. But more generally the blacksmith, shoemaker, and other ministers to local necessities, prefer to be remunerated with cash down, rather than participate later on in a somewhat uncertain division of the products of the field.

At the end of the category of balootidars, far below them in the social scale, excluded in fact from any contact with them, came the Mhar, the outcast, but the menial servant and handy man of the village. To the Mhar was assigned the duty of watching over the boundaries of the village lands, the individual fields, and the growing crops. There are few hedges in India, and the limits of a field are known by a piece of stone or a mound of earth set at its corners. The Mhar carried the land assessment to the treasury. Did a traveller come to the village, it was the Mhar who took care of his horse and baggage, and guided him on the way to the next hamlet. The Mhar frequently had other menial servants to assist him, especially in matters of police. In the west of India these are known as *Jaglias*, *Shet Sunnudies*, or *Walikars*.

Over all these reigned the patel. His office was held in considerable respect, and was an object of keen competition. All ordinary offences he was empowered to deal with on his own responsibility. More important matters had to be, in theory at least, reported to some superior officer, who might reside very far away. The patel was at once the representative of the people and the agent of the Government.

We shall see later on how the patel and his subordinates have been preserved by our administration as a subsidiary adjunct to the regular establishment, under the designation of the "village police."

As with the kotwal of the cities, and the non-descript swashbucklers in the pay of the landholders, the duties of the village establishment were by no means limited to the detection and prevention of crime. The essence of the system was the union

of fiscal and judicial authority in the same hand. The patel, in addition to his police duties, was responsible for the collection of the land revenue and its despatch to the nearest Government treasury.

The police duties of the village Mhar were thus described by Mountstuart Elphinstone in 1819, shortly after we succeeded the Peshwa as rulers of the Deccan and Goozerat :

“ He has to keep watch at night, to find out all arrivals and departures, observe all strangers, and report all suspicious persons to the patel. He is likewise bound to know the character of every man in the village ; and, in the event of a theft committed within the village bounds, it is his business to detect the thief. He is enabled to do this by his early habits of inquisitiveness and observation, as well as by the nature of his allowance, which, being partly a small share of the grain and similar property belonging to each house, he is kept always on the watch to ascertain his fees, and always in motion to collect them. When a theft or robbery happens, the watchman commences his inquiries and researches. It is very common for him to track a thief by his footprints, and if he does this to another village, so as to satisfy the watchman there, or if he otherwise traces the property to an adjoining village, his responsibility ends, and it is the duty of the watchman of the new village to take up the pursuit. The last village to which the thief has been clearly traced becomes answerable for the property stolen, which would otherwise fall on the village in which the robbery was committed. The watchman is obliged to make up this amount as far as his means go, and the remainder is levied on the whole village. . . . The exaction of this indemnity is evidently unjust,

since the village might neither be able to prevent the theft nor to make up the loss, and it was only in particular cases that it was insisted on to its full extent, but some fine was generally levied, and neglect or connivance was punished by transferring the inam (hereditary office) of the patel or of the watchman to his nearest relative, by fine, by imprisonment, in irons, or by severe corporal punishment."

Again Elphinstone writes: "There were great abuses under the system that we found. Criminals when turned out of one district took refuge in another. Landholders harboured criminals. False accusations were made as a cloak to exaction from the innocent." Bad as this all was, he goes on to say, it was better than in Bengal as revealed in a recent parliamentary inquiry. There one of the direct consequences of Lord Cornwallis' system had been to destroy the executive authority both of the zemindars and the village watch, while English officers and English courts were not numerous enough (1819) to make their influence felt amongst such an immense population.

Furthermore, the village police were not infrequently members of predatory tribes. But the enlistment of a proportion of their numbers was seldom sufficient to induce these plundering classes to refrain from their favourite pursuits. Payment often had to be made to their leaders to secure their assistance in the preservation of tranquillity.

It has been held by some that the arrangements which I have sketched were not unsuitable for the needs of a simple agricultural community. However this might be in theory, in actual fact they were full of drawbacks, and replete with abuses. And yet I should not like to withhold any opinion

that may have been recorded in their favour. A *vakil* (pleader) of the Madras High Court has praised in no stinted language the primeval institution of the village watch. I will reproduce his exact words : \*

“ The intimate knowledge possessed by the kavalgars, not only of their village, but also of the neighbouring villages, and of the inhabitants thereof, their hereditary instincts in watching and in tracing out criminals by means of their footprints, etc., their valour, and their courage, made them the veriest stag-hounds of their respective localities, and enabled them not to have any crime go undetected, be it theft or robbery or murder. What they wanted in breadth of knowledge or information they gained in depth.”

I am afraid that the information left on record, coupled with the experience of to-day, does not substantiate this favourable estimate. The generally disordered state of the country, and the laxity or absence of supervision, made the system unworkable.

“ A very large proportion of the *taliaris*,” wrote Sir Thomas Munro, who was the Governor of Madras in 1816, “ are themselves thieves : all the kavalgars are either themselves robbers, or employ them, and many of them are murderers, and, though they are now afraid to act openly, there is no doubt that many of them still secretly follow their former practices. Many offenders are taken, but great numbers also escape, for connivance must be expected among the kavalgars and *taliaris*, who are themselves thieves, and the inhabitants are often backward in giving information for fear of assassination, which was formerly very common, and sometimes happens on

\* *The International Police Service Magazine*, Madras, November 1908.



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such occasions. . . . Where crimes have long been encouraged by the weakness of Government, by the sale of pardons, and by connivance wherever persons of rank were concerned, no reformation can be looked for but the operation of time and the certainty of punishment."

Another writer describes the old state of things in Madras as follows: \*

"The old hereditary system of talyaries and kavalgars was the only police in this Presidency when the English first occupied it.

"Under this ancient hereditary kaval system certain predatory tribes, in consideration of certain kaval fees, protected the property of the villagers, and were supposed to make good the losses incurred by them if they failed to detect the thieves and recover their stolen property. This was a very unsatisfactory state of affairs.

"The kavalgars levied exorbitant contributions and taxes, and their demands took all kinds of pernicious forms, such as a portion of the crops, a tax on houses, and the different professions, so that they might pursue their different callings or professions undisturbed. House-owners had to pay to save their houses from being burnt, and landlords to save their crops being robbed or destroyed. The kaval system was due to geographical accidents and mutual compromise.

"The Moturpha Tax, which was a tax on professions under the Mogul Government, was simply a development of this kaval tax.

"In portions of the Presidency, the kaval system was on the whole a useful and regulated village watch and ward, but it was powerless against the

\* *The International Police Service Magazine, Madras, November 1908.*

Pindharis and Poligars with their armed retainers, or against large organized gangs of dacoits.

“Again, there was no organization by which the kavalgars of a district or a taluk, or even of adjoining villages could be brought under the control and discipline of one single central authority, and be of use in checking the above hordes or gangs, or pursuing thieves and arresting them, and bringing them to justice when they had escaped into another village.”

Before proceeding to describe our earlier efforts to introduce some degree of order into the chaos that we found, there is one more subject that I must touch on. That is what under the native government passed for law and procedure.

## CHAPTER V

### WHAT PASSED FOR LAW AND PROCEDURE UNDER NATIVE GOVERNMENT

I REMEMBER once reading a very witty book about a tower that was in process of being built at Christchurch, Oxford. One chapter was headed "The architectural features of the tower." The chapter itself consisted of the following sentence: "The tower has no architectural features." Similarly, a chapter headed "Law and procedure under native government" might be dealt with in the single sentence: "There was no law, and less procedure."

The system of criminal justice, if such a phrase can be used without contradiction in terms, was too amazing for description. Any recognized code of law was non-existent. A prescribed form of trial was unheard of. Judicial power was vested in the revenue officers, and varied with their rank. A patel could, less perhaps by enactment than from usage, confine a man for an undetermined period, on account of some undefined offence, in the village lock-up. The more important Mamlatdars\* had actually powers of life and death. Powers of punishment were of the vaguest description, and were exercised by any individual officer rather according to his personal influence, or even his inclination, than by virtue of any specific authority inherent in his office.

\* The term Mamlatdar is explained on page 57.

I may again be permitted to quote from Mountstuart Elphinstone on this subject :

“ A principal rebel, or a leader of banditti, would,” he says, “ be executed at once, on the ground of notoriety ; any Bhil caught in a part of the country where the Bhils were plundering the road, would also be hanged immediately. In doubtful cases the prisoner was examined, and if suspicions were strong, he was flogged to make him confess. No law seems ever to have been referred to. The only rule seems to have been the custom of the country, and the magistrate’s notions of expediency. The Hindoo law was quite disused owing to its absurdity.

“ Murder, unless attended with peculiar atrocity, appears never to have been capital. Highway robbery was generally punished with death, because it was generally committed by low people. A man of tolerable caste was seldom put to death except for offences against the state. In such cases birth seems to have been no protection. A brother of Holkar was trampled to death by an elephant for heading a troop of predatory horse. A dispossessed Jaghirdar was blown away from a gun for a similar offence. The other capital punishments were hanging, beheading, cutting to pieces with swords, and crushing the head with a mallet. Brahmin prisoners, who could not be executed, were poisoned, or made away with by deleterious food. Women were never put to death ; long confinement, and the cutting off of the nose, ears, and breast, was the severest punishment inflicted upon them. Mutilation was very common. The commonest of all punishments was fine and confiscation of goods, to which the Mamlatdar was so much prompted by his avarice, that it is often difficult to say whether it was inflicted as the

regular punishment, or merely made use of as a pretence for gaining wealth. On the one hand it seems to have been the Mahratta practice to punish murder, especially if committed by a man of good caste, by fine, but on the other the Mamlatdars would frequently release Bhil robbers, contrary to the established custom, and even allow them to renew their depredations on the payment of a sum of money. No other punishment, it may be averred, was ever inflicted on a man who could afford a fine, and on the whole the criminal system of the Mahrattas was in the last state of disorder and corruption."

The punishment inflicted for an offence varied between the two extremes of excessive leniency and intolerable severity. The one was too trivial to exercise any deterrent effect. The other was an outrage upon humanity. The shastri, or law-officer, at Ahmednugger, sentenced one man to be thrown from a height upon a spike, and another to be fined a few rupees, for the same offence, because in one case the stolen property had been accidentally recovered, and in the other it had not. Under what passed for law among the Hindoos, a man condemned to death was frequently exposed to the public gaze on a camel. Stripped of most of his clothing, he was covered with red powder and decorated with flowers, in the fashion of a corpse that is being carried to the funeral pyre. He was then paraded through the town, and on the conclusion of this ordeal he was led to execution.

Under Mahometan rule elephants were frequently used as executioners. The Emperor Jehangir used to direct the exact form which the punishment was to take. If merely death was adjudged, the criminal was laid on the ground, and the elephant with his

forefoot crushed in his head or his chest, as the Emperor might be pleased to command. Death in such a case was instantaneous. But the imperial ruler might consider that the offence demanded torture, and a prolonged death. Then the elephant, under the guidance of its mahout, or driver, broke only the legs and arms of the condemned criminal, who was left to linger in agony until death released him. The Emperor and his courtiers frequently looked on at these executions, which were performed in the courtyards of the palace. The traveller Terry describes a case to which he himself was a witness. A man was found guilty of killing his own mother. Jehangir, considering that for so terrible a crime a terrible punishment was needed, ordered that he should be fastened by a long chain to the hind-leg of an elephant, and be dragged along the road in company with the Emperor. In the course of the third march, says Terry, there was little left of the body but the skeleton. Almost all the flesh had been torn off by contact with the rough stones which composed the road.

What Elphinstone tells us about Hindoo civil litigation is even more extraordinary :

“The suitor, or petitioner,” he says, “had at first recourse to supplications and appeals to the honour and sense of shame of the person whom he was importuning. He laid himself on his threshold, threw himself on his road, clamoured before his door, or he employed others to do this for him. He would even sit and fast before the door, during which time the person who was the subject of the suit had to fast also, or he would appeal to the gods and invoke their curses upon the person by whom he was injured. It was a point of honour with the natives

not to disturb the authors of these importunities, so long as they were just, and some satisfaction was generally procured by means of them. Similar means were employed to extort justice from the ruling power, standing before the residence of the great man, assailing him with clamour, holding up a torch before him by daylight, and pouring water without ceasing on the statues of the gods."

I fear that I have hardly avoided being tedious in describing the unutterable chaos which prevailed in India under native administration. But the comparison between what we found and what we have achieved had to be made, and a certain amount of detail was obligatory. I can now turn to our earlier efforts to cleanse the Augean stable which was handed over to us by our predecessors, and to introduce some regular system. It was a long time before we saw our way clearly. For decades we went blundering on, doing the best that we could to improve existing institutions. But the conclusion was forced upon us that the only way was to make a clean sweep of everything, whether police or law, lock, stock, and barrel, with the one exception of the village watch, and thus start fair on new lines.



## CHAPTER VI

### FAILURE OF OUR EARLY EFFORTS TO POLICE THE COUNTRY

I THINK it will be easier to elucidate the process by which we arrived at our present system of police organization if I at once give the briefest possible outline of existing arrangements, which I shall later on describe in detail.

India is divided into a large number of zillahs or districts. A district corresponds, roughly, with an English county. It is usually as large as Devonshire, and frequently larger than Yorkshire. The district forms the basis or unit of administration. The chief executive civil officer is generally termed Collector. In some districts he is known as Deputy Commissioner. In either case he is invariably also the District Magistrate. He is responsible for everything in his charge, revenue, magistracy, education, public works, and police. But his duties are rather administrative than executive. He supervises the work of a large number of officers. The executive head of the police is the District Superintendent of Police, a designation usually abbreviated to D.S.P. There is one officer only in a district who is not subordinate to the Collector-Magistrate, and that is the Sessions Judge. He is an independent authority for high judicial matters.

The district has a number of subdivisions, perhaps a dozen—sometimes more, sometimes less. These are known in Bombay as talukas, elsewhere generally as tahsils. In charge of each there is a native civil officer, known in Bombay as a Mamlatdar, and in other parts as a tahsildar. Here I may pause for a moment to say that throughout India there is so much variety in official titles, as also in the exact functions of officers, and in the details of rules and regulations, that what may apply to one province will not do so exactly to another. But the general scheme is everywhere more or less the same. My own experience is derived chiefly from Bombay; and it will be simpler generally to employ the terminology of that Presidency, premising that titles and responsibilities elsewhere may to some extent differ.

The Mamlatdar is, in his degree to the taluka, what the collector is to the district. While he is theoretically the head of the police, he does not as a rule interfere unless he sees that the work is not being properly done. The executive head of the police in a taluka is a native officer known as a Sub-Inspector. A group of three or four talukas is called a subdivision of the district. A subdivision is in charge of an officer, usually of the Indian Civil Service, who is Assistant Collector and Subdivisional Magistrate. In each subdivision there is a superior officer of police of the rank of Inspector.

Thus, while the collector-magistrate of the district, his assistant in charge of the subdivision, and the Mamlatdar of the taluka, are *ex officio* at the head of the police in their respective charges, yet they seldom take any part in its operations. The actual working head of the police in the district is the D.S.P.

His duties are solely those of police. Technically and officially he is assistant to the district magistrate for the administration of police. The relations between the Mamlatdar of the taluka, and the police sub-inspector are precisely similar.

This organization is both comprehensive and satisfactory. The chain of authority runs without a break from top to bottom, in a complete series of links, while the main principle is that the force, in its executive entity, is police and nothing else. The thief-catcher and the thief-trier are entirely distinct. While the police is under the control of the district magistrate, and not independent of him, yet it has been made a department upon its own self-contained and exclusive basis. The system is so simple, and the wheels run so smoothly, that it is difficult to realize the difficulties that were experienced in arriving at the solution of the problem.

I hope I may be pardoned for repeating that this idea of the modern separate police force, which, with all the drawbacks and imperfections inevitable to its oriental composition, has proved, on the whole, a distinct success, did not occur to the earlier British administrators.

It was soon found indispensable to relieve the zemindars of their liability for police service. The question then arose who was to exercise the powers of which the landholders had been deprived. The first experiment was to place under the district magistrate a staff of darogas, or native officers, and a body of "peons." The charge of a daroga covered an area of about twenty miles square. He had under him from twenty to fifty men known as burkundazies, armed with some primitive kind of matchlock; and the village watch was subject to his

orders. He received a reward of ten rupees for each dacoit who might be apprehended and convicted. A more peculiar item of the contract with the daroga was that he should be given ten per cent. of all stolen property recovered, if the thief was convicted. The converse arrangement by which, under former administrations, the officer was pecuniarily responsible for property stolen but not recovered ceased to be. In the cities the office of kotwal was continued, and the cost of police, which should constitute an integral part of any civilized government, was levied from the inhabitants by an assessment on each house and shop.

The district magistrate was overburdened with miscellaneous duties. But apart from this officer the police had no other directing and controlling agency. Moreover, the numerical strength of darogas and peons was totally inadequate to the vast territories under their nominal control. Their duties were ill-defined, and not limited to police. The zemindars, shorn of their privileges, were passively obstructive or actively hostile. Far from any improvement, there resulted from the embryo reforms a striking increase of crime everywhere. Gangs of dacoits \* roamed about the country unchecked. In the expressive language of the East, the people did not sleep quietly in their beds. There was another contributory cause to this unfortunate result. With our natural ideas of justice and righteousness, we had substituted milder punishments for those which we found in force. In the case of offences other than murder, we inflicted imprisonment of a mild type, while hitherto the criminal, often without any form

\* A dacoity is a gang robbery in which at least five persons are concerned. Each member of the gang is a dacoit.

of trial, had been sentenced to death in a cruel form, mutilation, or indefinite or perpetual imprisonment under loathsome conditions. Punishment thus lost its deterrent effect. Some things, simply from the ordinary feelings of humanity, must be done, whatever drawbacks may be involved in the process. But none the less must their effect be recognized. Mountstuart Elphinstone recorded that "The Mah-rattas, when robberies were committed, seized all the suspicious characters in the neighbourhood, and, if they succeeded in restoring quiet, they did not care though a hundred Ramoshis suffered imprisonment or torture without a fault. Such a course would not be thought of under our government, but we must consider how much our abstaining from such tyranny must weaken us, and must provide a remedy in some more suitable shape." Moreover, forms of trial were introduced, and a much higher degree of proof was insisted upon by our courts. The criminal learnt that it was difficult to secure his conviction, and discovered to his surprise that he was frequently set free without punishment. Thus, owing to these various causes, the initial effect of our attempts at reform was disastrous rather than encouraging.

In Madras a strange and anomalous arrangement came into force in early days. The collector was an officer who toured about his district, and could see with his own eyes what was going on. The judge was stationary at the Sudder station, or civil headquarters of his district. But the supervision of the police was vested in the judge. The collector, it appears, contrary to the practice in vogue throughout all the rest of India, was not a magistrate, magisterial authority being in the hands of the

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judge. In 1813 a report of the Committee of the House of Commons drew public attention to the administration of justice and police in India. In both Bengal and Madras there were grave complaints regarding the delay in the disposal of civil suits, and the non-repression of crime. In Madras Sir Thomas Munro advocated the transfer of the supervision of the police, together with the office of district magistrate, from the judge to the collector. The proposal met with vehement opposition from Mr. Elliot, then Governor of Madras. This officer held that the collector could not be entrusted with magisterial and police duties without injury to the country. The new regulations were, however, passed in 1816. They were a step in the right direction—but only a step. Throughout the districts revenue and police functions were still united in the tahsildars. This resulted in failure both to detect and repress criminality, and in prolific opportunity for oppression. Moreover, except in the larger towns, Munro based his system upon the village watch. Here are his own words : “ We have now in most places reverted to the old police of the country, executed by village watchmen, mostly hereditary, under the direction of heads of villages, tahsildars of districts, and the collector and magistrate of the province.\* The establishments of the tahsildars are employed without distinction either in police or revenue duties, as the occasion requires.” This mixture of duties was the mistake which so long stood in the way of reform.

The Court of Directors of the East India Company were of Munro's opinion. In 1812 they issued orders

\* The terms “ district ” and “ province ” are clearly not here used in the sense that they now bear.

in which they condemned the establishments of darogas and peons, and insisted upon the maintenance of the village police as forming in every village the best security of internal peace. They pointed out that the village police secured the aid and co-operation of the people at large in the support and furtherance of its operations, because it was organized in a mode which adapted itself to their customs. The preservation of social law and tranquillity, they went on to say, could never be effected by the feeble operations of a few darogas and peons stationed throughout an extensive country, wanting in local influence and connection with the people, insufficiently remunerated to induce respectable men to accept the office, placed beyond the sight and control of the magistrate, and surrounded with various temptations to betray their trust.

The village police was therefore to emerge from its neglected condition and be restored to its former efficiency. In Bengal, owing partly to the permanent land settlement of Lord Cornwallis, and the consequent absence of the subordinate revenue establishment of Madras and Bombay, it was impossible to abolish the daroga and his men. But their powers of evil were curtailed by removing from their cognizance all complaints of petty offences, as well as of bailable offences such as forgery.

In accordance with the views of the Court of Directors a system of police was established in the Bombay Presidency in 1827 on the lines adopted in Madras. It was "founded chiefly on the ancient usages of the country." At the head of the police were the collector and magistrate, aided by his assistants. Then came the Mamlatdar with his establishment of peons used indifferently for revenue

and police purposes. Below the Mamlatdar was the patel with his village watch.

The result of these attempts was entirely unsatisfactory. In 1832 a Select Committee appointed by the East India Company reported that the police subordinates were corrupt, inefficient, and oppressive, while the superior officers, owing to the multiplicity of their duties, were unable to exercise an adequate supervision. In 1836 the Court of Directors drew attention to this glaring scandal, and stated that "no financial considerations should be allowed to stand in the way of a change so urgently required." The root of the mischief was grasped in Bengal, where Mr. (afterwards Sir Frederick) Halliday proposed that there should be a separate police force with a superintendent and an assistant superintendent for each district. No steps, however, were taken in Bengal to reduce these proposals to practice for a quarter of a century. It was for the obscure province of Sind, now a portion of Bombay, to set the example in introducing the system now in force throughout India.

Before coming to what was done in Sind, I must revert for a moment to one other extraordinary source of confusion in our initial efforts. It was not enough that police and revenue functions should be inextricably mixed up. There was a further union of conflicting duties. Soldiers had to do much of the work which ought to have been undertaken by police. In 1824 the Marquis of Hastings, after his retirement, placed on record in vivid language his experiences as Governor-General on this subject. "The native troops," he writes, "are in fact the police of India, the burkundazies, or armed attendants of the magistrates, being totally inadequate, if not



supported by the regulars. Hence the complication of duties resting upon the soldiery is so great, as that it is rare for even half of a battalion to be found at its headquarters. Occupation of dependent stations, detachments with treasure which is in constant transit, escorts of stores periodically despatched from Calcutta to the several provinces, charge of convicts working on the roads, custody of prisoners transmitted from different parts for trial before the courts of circuit, and guards over gaols, form a mass of demand which our fullest military complement could hardly answer."

To those like myself who are familiar with our present logical, complete, and systematic arrangements for the division of labour, the state of things thus described is almost inconceivable. With this melancholy recital of failure I will close this chapter, and devote a fresh one to the evolution of a well-designed scheme of police.



ARMED AND MOUNTED POLICE AT POONA



## CHAPTER VII

### SIR CHARLES NAPIER THE FATHER OF THE INDIAN POLICE

ONE incident deserves to be chronicled before we turn to the achievements of Sir Charles Napier in Sind. The most northern part of the Deccan, known as Khandesh, consists of an extensive plain surrounded by broad chains of forest-clad mountains. The vegetation of the forests is so noxious that only the aboriginal tribe of Bhils can live in them. The Bhils were the most uncivilized of all the aboriginal tribes. Cultivation, or indeed work of any kind, they looked upon as degrading. They might live on the flesh of wild animals, or on roots and berries of the jungle ; but they preferred to enjoy the proceeds of raids and forays upon the towns and villages of the cultivated plains. When we occupied Khandesh after the third Mahratta war of 1818 we found some fifty Bhil leaders of bands which numbered upwards of five thousand followers, engaged in devastating the country.

In a few years a policy of kindness was wonderfully successful in persuading the forest tribes to enter upon a civilized life. They were given land rent-free, together with advances of money for the purchase of seed and of cattle. Then the bold idea was conceived of forming some of these predatory

tribes into an irregular corps. Captain—afterwards the famous Sir James—Outram, was the officer selected to carry out this scheme. By joining the Bhils in the chase in their own wild forests he won their confidence. He first raised from their numbers a bodyguard of nine men. In a few months he had a corps of sixty men armed with bows and arrows. Later on the men of the Bhil Corps were all armed and dressed like the sepoy of the regular regiments. By 1827 the corps numbered six hundred men. They were entrusted with the guarding of Government treasuries and jails, the escort of treasure and prisoners, and police work in general, military detachments being removed from Khandesh. The experiment was a marvellous success. Here was the very thing that was needed—a separate police-force under its own officers. Yet the desirability of extending the system to other parts of the country does not seem to have occurred to any one. India had to wait for the organizing genius of Napier.

In 1843 the strange country of Sind was conquered by Sir Charles Napier. Sind is nearly as large as England, excluding Wales. In its natural characteristics it resembles Egypt. Almost rainless, its vast alluvial plain, watered by the Indus, is a replica of the valley of the Nile. Sir Charles Napier went to India for the first time in 1841. While the English in India, with no experience of an efficient police in England to guide them, were struggling to infuse some life into the dry bones of effete oriental systems, Napier had the inestimable advantage of coming fresh from the reforms instituted by Sir Robert Peel in his own country. He had seen the ancient guardians of the peace in London, who, consisting for the most part of infirm old men, spent much of

their time dozing in sentry-boxes, replaced by a vigorous and efficient constabulary. He had seen the police throughout England regenerated from a state of notorious inefficiency into a fine body of men under proper supervision. He entered upon his labours free from any prejudice in favour of maintaining oriental arrangements on the ground that they constituted the ancient usages of the country.

No sooner had Napier conquered Sind than he set himself to the task of introducing an efficient police-force on the principles adopted in England. The police were to be a separate force employed solely on police work. They were to have nothing to do with military or revenue functions. While they were to be under the authority of the chief civil officer of the district, yet in each district they were to be supervised by an officer whose sole duty it was to control and direct them.

Here are Napier's own words, recorded in 1846. "Soldiers," he says, "are instituted to fight declared enemies, not to be watchers and punishers of criminals. They should be in thought and reality identified with their country's glory—the proudest of her sons—and never employed to enforce the behests of the civil administration, until the civil power is found too weak. . . . For the peace of the country, and to prevent the troops being disseminated, which would bring them into too familiar contact with the people—thus diminishing the wholesome idea of our power which is to be maintained by showing the troops only in large masses—I established a strong police of two thousand men, well armed, well drilled, and divided into three classes, one for the towns, and two for the country. The first are all infantry, the last infantry and cavalry, and called the rural police.

These assist the collectors, but are under their own officers, a separate body to which the tranquillity of the country is entrusted. . . . The whole system appears to work well, and the police not only seize every thief, but are very good troops. I took a large detachment into the hills to make soldiers of them. They had at first sundry battles with large bands of robbers, whom they generally defeated; now no bands exist."

Such was the system which was introduced by Napier. Later on, it was adopted practically in its entirety by the governments of other provinces, though without an acknowledgment of its parentage. To a certain extent it was, and is, a military organization, and in many ways resembles the Royal Irish Constabulary. Their organization, and a handsome uniform, gave the men steadiness and courage enough to make them valuable auxiliaries in the field. The force, when Napier severed his connection with it, numbered two thousand five hundred officers and men.

Sir Charles Napier was so remarkable a man, his methods and his expressions so foreign to stereotyped conventionality, that I may be permitted to reproduce a few of his orders, even if they slightly diverge from the subject of a police-force. "Gentlemen," he said in one of his minutes, "as well as beggars, may, if they like, ride to the devil when they get on horseback, but neither gentlemen nor beggars have a right to send other people there; which will be the case if furious driving be allowed in the camp or bazaar." On another occasion, when a young subaltern was sentenced by a court-martial for his relationship with a certain officer's wife, Napier, who knew something of the lady in question, quashed

the proceedings on the ground that "history has recorded but one Joseph." Others of his orders, equally to the point, and perhaps not less quaint, were issued against the killing of peacocks, and the ill-treatment of villagers by native soldiers. One of the most serious abuses which he set himself to put down was the hanging of native women by their husbands. Women were often murdered in this way on the most frivolous pretexts, while the defence invariably given was that the wife had committed suicide. Evidence was of course unattainable, as it is in many cases nowadays, when the facts are nevertheless known to the whole village. But Napier's indomitable determination was not to be checked by even this difficulty. He went to the very root of the matter, and adopted the most stringent and at the same time the only measure which could ensure success. By conspiring to withhold evidence of a crime committed in their midst, the villagers made themselves responsible for the crime; and this responsibility he insisted upon being enforced. Here is Napier's proclamation regarding the evil: "People of Sind, the Government has forbidden you to murder your wives, a crime commonly committed when the British conquered this country. This crime of woman-murder is forbidden by the religion of the English conquerors; who shall dare to oppose their law? Woe be to those who do. But this is not all. Ye Sindians, Beloochies, and Mahometans, murder is prohibited by your prophet. You, who murder your wives, outrage your own religion as much as you outrage ours. This the Government will not permit. Government, therefore, visited with punishment such murderers, and the crime began to disappear. Some foolish men among you believe that the English



are easily deceived, and you have in a vast number of cases hanged your wives, and then pretended that these women committed suicide. If you do believe this it becomes necessary to teach you how erroneous is your judgment, and that if you persevere your sufferings will be great. You are, therefore, thus solemnly warned, that in whatever village a woman is found murdered, a heavy fine will be imposed upon all, and rigidly levied. The Government will dismiss the Kardar.\* It will order all the husband's relatives up to Karachi, and it will cause such danger and trouble to you all, that you shall tremble if a woman is said to have committed suicide in your district, for it shall be an evil day for all that place. You will know what I say is just, for never was woman known to have committed suicide in Sind till the law decreed that husbands should not murder their wives, and this year vast numbers of women have been found hanged, gross falsehoods have been put forth by their families that they committed suicide; but woe be to their husbands! for the English Government will not be insulted by such felons. The murderers will be sent far away over the waters, and heard of no more." The details of both Napier's logic and his facts may be open to criticism, but the broad principle which he affirmed is one that effectually deals with a crying evil—the suppression of evidence in regard to crime—which has filled many a district officer with indignation and despair.

In 1853 the police of the Bombay Presidency was remodelled on Napier's lines, the leading features of reform being the appointment to every district of a European superintendent, who, while generally subordinate to the district magistrate, had exclusive

\* Subordinate revenue official.

control over the police; the appointment to every taluka of a native police-officer holding to the Mamlatdar the same relations as those between the superintendent and district magistrate; and the formation of a body of police who were to be police and nothing else. In 1855 the system was extended to Madras. On the annexation of the Punjab in 1849 a police-force was organized on the lines of the Sind Police.

Thus at last the existing system in its broad outlines was arrived at. Various changes and developments have taken place from time to time, but the main principles have not been altered. To recapitulate all the inquiries that have from time to time been made into the working of the police, and the departmental alterations that have been effected, would be tedious and unprofitable. It may be mentioned that in 1860 the Government of India appointed a Commission to inquire into the police administration of British India. To secure unity of action, and identity of system, the general management of the force in each presidency or province was from that time to be entrusted to the Inspector-General of Police. This important reform, though introduced elsewhere, was not adopted in Bombay until 1885. In 1902 another Police Commission of inquiry was instituted by the then Viceroy, Lord Curzon. The Report of this Commission will be considered later on in this book.

I have now sketched the enormous difficulties with which we had to contend. I have shown how we tried in vain to effect any sensible result by working on the indigenous system. I have described the pattern set to India by the genius of Napier in the province of Sind, and I have attempted to present

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in its broad outlines a rough sketch of the principles that were finally accepted. Before proceeding to a more detailed description of the force, its organization, administration, composition, and duties, I must give some account of the laws of British India.

## CHAPTER VIII

### THE HISTORY OF THE INDIAN PENAL CODE

No police organization or administration, however efficient and well designed, can do its work in the absence of clear and definite laws. And, as in describing the duties of the police I shall frequently have to refer to the law, it seems convenient at this stage to give some idea of the legislative enactments in force in India.

I have shown in Chapter V of this book how impossible it was for us to utilize the system, if such it can be called, of Hindoo or Mahometan law and procedure which we found existing. We had to make a clean sweep of everything, and to start fair, unhampered by impossible traditions.

For nearly half a century India has possessed an unrivalled Criminal Code. The Indian Penal Code, which defines offences and lays down the punishment for each, is a monument to English capacity for law-making. The Criminal Procedure Code is the enactment which lays down how cases are to be tried, and the law enforced.

But it was a long time before we arrived at this goal. Generally, on the acquisition of new territories, rough-and-ready codes of justice were prepared. These were known as regulations, and they differed considerably in the various provinces. At the best

they were of a more or less temporary nature, and by no means complete or even consistent. In 1827 Elphinstone found it necessary to compile into one code the various regulations which had from time to time been enacted in the Bombay Presidency. This compilation contained a body of substantial criminal law which remained in force until it was superseded by the Indian Penal Code in 1860. Elphinstone's Code might not have withstood the test of strict professional criticism. It was not intended to be subjected to such a test. But for practical application it possessed considerable merit.

Alike in its conception and in its compilation, the Indian Penal Code is due to the extraordinary genius of Lord Macaulay. In the year 1834, at the youthful age of thirty-four, he landed in India to take his seat as law member on the Supreme Council. His pay was what seems to us the fabulous sum of £10,000 a year. But the obligations under which India lies to Macaulay are not to be measured in pounds, shillings, and pence.

In 1833 a Commission had been appointed to inquire into the jurisprudence and jurisdiction of our Eastern Empire. Macaulay, at his own request, was appointed President of the Commission. He had not been many months engaged in his new duties before he submitted a proposal that he should, with his two colleagues, be employed in framing a Criminal Code for the whole of the Indian Empire. "This code," writes Macaulay, "should not be a mere digest of existing usages and regulations, but should comprise all the reforms which the Commission should think desirable. It should be framed on two great principles—the principles of suppressing

crime with the smallest possible amount of suffering, and the principle of ascertaining truth at the smallest possible cost of time and money. The Commissioners should be particularly charged to study conciseness, as far as it is consistent with perspicacity. In general, I believe, it will be found that perspicuous and concise expressions are not only compatible, but identical." The offer was eagerly accepted, and the Commission fell to work.

Delays occurred, chiefly on account of illness, and the work took longer than was expected. In January 1837 Macaulay recorded the following minute :

"I must say that, even if no allowance be made for the untoward occurrences which have retarded our progress, that progress cannot be called slow. People who have never considered the importance and difficulty of the task in which we are employed are surprised to find that a code cannot be spoken off extempore, or written like an article in a magazine. I am not ashamed to acknowledge that there are several chapters in the code on which I have been employed for months, of which I have changed the whole plan ten or twelve times, which contain not a single word as it originally stood, and with which I am still very far indeed from being satisfied. I certainly shall not hurry on my share of the work to gratify the childish impatience of the ignorant. Their censure ought to be a matter of perfect indifference to men engaged in a task, on the right performance of which the welfare of millions may, during a long series of years, depend. The cost of the Commission is as nothing when compared with the importance of such a work. The time during which the Commission has sat is as nothing compared

with the time during which that work will produce good or evil to India.

“Indeed, if we compare the progress of the Indian Code with the progress of codes under circumstances far more favourable, we shall find little room to accuse the Law Commission of tardiness. Buonaparte had at his command the services of experienced jurists to any extent to which he chose to call for them, yet his legislation proceeded at a far slower rate than ours. The French Criminal Code was begun, under the Consulate, in March 1801; and yet the Code of Criminal Procedure was not completed till 1808, and the Penal Code not till 1810. Indeed, when I remember the slow progress of law reforms at home, and when I consider that our Code decides hundreds of questions, every one of which, if tried in England, would give occasion to voluminous controversy and to many animated debates, I must acknowledge that I am inclined to fear that we have been guilty of precipitation rather than delay.”

In the course of 1837 the Code appeared. If it be asked whether it fulfils the ends for which it may be framed, the testimony of Macaulay's eminent successor, Mr. Fitzjames Stephen, may be recorded.

“In order to appreciate the importance of the Indian Penal Code,” says Mr. Stephen, “it must be borne in mind what crime in India is. Here, in England, order is so thoroughly well established that the crime of the country is hardly more than an annoyance. In India, if crime is allowed to get to a head, it is capable of destroying the peace and prosperity of whole tracts of country. The mass of the people in their common moods are gentle, submissive, and disposed to be innocent; but for that very reason bold and successful criminals are

dangerous in the extreme. In old days, when they joined in gangs or organized bodies, they soon acquired political importance. Now, in many parts of India, crime is quite as uncommon as in the least criminal parts of England, and the old high-handed systematized crime has almost entirely disappeared. This great reformation (for it is nothing less) in the state of society of a whole continent has been brought about by the regular administration of a rational body of criminal law.

“The administration of criminal justice is entrusted to a very small number of English magistrates, organized according to a carefully devised system of appeal and supervision which represents the experience of a century. This system is not unattended by evils, but it is absolutely necessary to enable a few hundred civilians to govern a continent. Persons in such a position must be provided with the plainest instructions as to the nature of their duties. These instructions, so far as the administration of criminal justice is concerned, are contained in the Indian Penal Code and the Code of Criminal Procedure.

“Lord Macaulay’s great work was far too daring and original to be accepted at once. It was a draft when he left India in 1838. His successors made remarks on it for twenty-two years. The Penal Code was enacted in 1860, and came into operation on the 1st of January 1862. The result of the draft and the revision has been to reproduce in a concise, and even beautiful, form the spirit of the law of England—the most technical, the most clumsy, and the most bewildering of all systems of criminal law; though I think, if its principles are fully understood, it is the most rational. The Indian Penal Code is to the



English criminal law what a manufactured article ready for use is to the materials out of which it is made."

Here are some of Macaulay's own views on his code. In a letter to his father dated October 12, 1836, Macaulay wrote: "In a few months we shall send up the Penal Code to Government. We have got rid of the punishment of death, except in the case of aggravated treason and wilful murder. We shall also get rid indirectly of everything that can properly be called slavery in India."

In a letter written to a friend in December 1837 Macaulay wrote: "Our Penal Code is to be published next week. It has cost me very intense labour, and, whatever its faults may be, it is certainly not a slovenly performance. Whether the work proves useful to India or not, it has been of great use, I feel and know, to my own mind."

A sketch of Lord Macaulay's monumental performance demands a chapter to itself.

## CHAPTER IX

### SKETCH OF THE INDIAN PENAL CODE

THE Indian Penal Code, otherwise known as Act No. XLV of 1860, contains twenty-three chapters, of which the headings are as follows :

- I. INTRODUCTION.
- II. GENERAL EXPLANATIONS.
- III. OF PUNISHMENTS.
- IV. GENERAL EXCEPTIONS.
- V. OF ABETMENT.
- VI. OF OFFENCES AGAINST THE STATE.
- VII. OF OFFENCES RELATING TO THE ARMY AND NAVY.
- VIII. OF OFFENCES AGAINST THE PUBLIC TRANQUILITY.
- IX. OF OFFENCES BY OR RELATING TO PUBLIC SERVANTS.
- X. OF CONTEMPTS OF THE LAWFUL AUTHORITY OF PUBLIC SERVANTS.
- XI. OF FALSE EVIDENCE AND OFFENCES AGAINST PUBLIC JUSTICE.
- XII. OF OFFENCES RELATING TO COINS AND GOVERNMENT STAMPS.
- XIII. OF OFFENCES RELATING TO WEIGHTS AND MEASURES.
- XIV. OF OFFENCES AFFECTING THE PUBLIC HEALTH, SAFETY, CONVENIENCE, DECENCY, AND MORALS.
- XV. OF OFFENCES RELATING TO RELIGION.
- XVI. OF OFFENCES AFFECTING THE HUMAN BODY.
- XVII. OF OFFENCES AGAINST PROPERTY.
- XVIII. OF OFFENCES RELATING TO DOCUMENTS AND TO TRADE OR PROPERTY MARKS.
- XIX. OF THE CRIMINAL BREACH OF CONTRACTS OF SERVICE.
- XX. OF OFFENCES RELATING TO MARRIAGE.
- XXI. OF DEFAMATION.
- XXII. OF CRIMINAL INTIMIDATION, INSULT, AND ANNOYANCE.
- XXIII. OF ATTEMPTS TO COMMIT OFFENCES.

These chapters contain in all five hundred and eleven sections, which define, explain, and, where necessary, illustrate every offence, and prescribe the punishment for it. The Penal Code may be said to comprise a whole library of literature regarding crime and criminal law. It is extraordinarily comprehensive, clear, and logical. The sequence in which one point follows on to another is most admirable. After the experience of nearly half a century of practical application, not a section has been erased, hardly any has been even verbally altered, and perhaps a dozen at the most have had to be added. So concise is this unique system of legislature, that the whole of it has been printed in good plain type in a "pocket edition" of 172 pages. Any magistrate confronted with the most complicated and entangled series of complaints can easily find out what offence or offences under the Code have been committed, and what is the punishment that has been laid down. The contrast between this perfection of system and the hopeless chaos which we found existing in India is indeed startling. To me, accustomed as I am to the use of the Indian Penal Code, it is almost more extraordinary that there is no corresponding codification of criminal law in England.

The introductory chapter of the Indian Penal Code commences with the declaration that the Code shall take effect throughout the whole of the territories which are or may become vested in Her Majesty by the Statute 21 & 22 Victoria, Chapter 106, entitled "An Act for the better Government of India." But the authority of the Code may extend beyond these limits. Section 4, amongst other extensions, lays down that the provisions of the Code apply to any offence committed by a native Indian subject of



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Her Majesty in any place without and beyond British India. And then, as usual in the Code, an illustration follows: "A., a coolie, who is a native Indian subject, commits a murder in Uganda. He can be tried and convicted of murder in any place in British India in which he may be found."

The primary essential of any legislature for India is absolute plainness of language. There must be no doubt as to the meaning of any term employed. It has to be remembered that the Code is not generally used in English, but is translated into a large number of vernacular languages. These languages lack the clearness of expression that we are accustomed to in English. In Mahratti, for instance, there is hardly a sentence which cannot be read in more than one way. Moreover, the oriental mind loves hair-splitting, and will ever strive to convey to a phrase a meaning which it was not intended to bear. Consequently the most elementary words and phrases had to be defined in the Code. Here are a few examples of the numerous "General Explanations" in Chapter II:

"*Gender*.—The pronoun 'he' and its derivatives are used of any person, whether male or female."

"*Moveable property*.—The words 'moveable property' are to include property of every description, except land or things attached to the earth, or permanently fastened to anything which is attached to the earth."

"*Reason to believe*.—A person is said to have 'reason to believe' a thing if he has sufficient cause to believe that thing, but not otherwise."

"*Injury*.—The word 'injury' denotes any harm whatever illegally caused to any person, in body, mind, reputation, or property."

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Amongst other terms defined there are "public servant," "valuable security," "a will," "life," "death," "good faith," "year," and "month."

The punishments to which offenders are liable under the provisions of this Code are :

*First* : Death.

*Secondly* : Transportation.

*Thirdly* : Penal servitude.

*Fourthly* : Imprisonment, which is of two descriptions, namely :

(1) Rigorous—that is, with hard labour ;

(2) Simple.

*Fifthly* : Forfeiture of property.

*Sixthly* : Fine.

By Act VI of 1864, in certain cases offenders are liable to the punishment of whipping.

There are numbers of explanations regarding these punishments. It is interesting to note that in every case in which sentence of death shall have been passed, the Government of India, or the Government of the place within which the offender shall have been sentenced, may, without the consent of the offender, commute the punishment for any other punishment provided by this Code. Concerning fines there are some curious rules. Whenever an offender is sentenced to a fine it is competent to the Court to direct that, in default of payment of the fine, the offender shall suffer imprisonment for a certain term, over and above any other term of imprisonment to which he may have been sentenced. Many natives would sooner undergo a long term of imprisonment than pay a fine, however well-off they may be ; while for certain offences it is most desirable to compel the guilty persons to suffer pecuniarily. Therefore, although offenders may un-

dergo the imprisonment which is ordered in default of the fine, this does not free them from their liability to the fine; and the amount may be recovered from them at any time within six years after the passing of the sentence. In fact, their refusal to pay the fine at the time is officially looked upon as contempt of court, and the punishment in default of immediate payment is inflicted on this ground, and not as an alternative to the fine. The author of this portion of the Code was an acute judge of oriental character.

Chapter IV contains a voluminous list of "General Exceptions." These are for the most part matters of common sense. For instance, Section 80 tells us that nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means, and with proper care and caution. The section has this illustration: "A. is at work with a hatchet; the head flies off and kills a man who is standing by. Here, if there was no want of proper caution on the part of A., his act is excusable and not an offence." The most important part of this chapter is that contained in the last eleven sections regarding the right of private defence. Nothing is an offence which is done in the exercise of this right. But there is no right of private defence in cases in which there is time to have recourse to the protection of the public authorities; nor does the right extend to the inflicting of more harm than is necessary to inflict for the purpose of defence. The question of course arises, how much harm is it necessary to inflict? With certain well-defined restrictions, the right of private defence of the body, and the right of private defence



of property, may both extend to causing death—for instance, in the case of such an assault as may reasonably cause the apprehension that death or grievous hurt will otherwise be the consequence of such assault, or in the case of robbery or house-breaking by night, when the same apprehension is created. Other sections in this chapter are for the protection of soldiers or police who are ordered to fire on a mob, and medical officers undertaking operations which may end fatally.

It is the commonest thing in India for a man who has a grudge against his neighbour to hire ruffians to do some injury to that neighbour. The law had, therefore, to be most carefully drawn up so that its meshes should catch not only the actual perpetrator, but the originator of an offence. Chapter V, headed “Of Abetment,” seems to cover every possible variety of such contingencies. A person is said to abet the doing of a thing, who (for instance) :

“*First* : Instigates any person to do that thing ; or

“*Secondly* : Engages with one or more other person or persons in any conspiracy for the doing of that thing, if an act or illegal omission takes place in consequence of that conspiracy, and in order to the doing of that thing.”

If the hired ruffian does not commit the offence which he is hired to commit, or if he happens to kill or harm the wrong man, the abettor is nevertheless guilty of abetment. Here are two illustrations :

“ (a) A. instigates B. to murder C. B. refuses to do so. A. is guilty of abetting B. to commit murder.

“ (b) A. instigates B. to murder D. B., in consequence of the instigation, stabs D. D. recovers from the wound. A. is guilty of instigating B. to commit murder.”

The punishment for abetment varies very greatly according to the circumstances of the case. Generally speaking, if the offence abetted is committed in consequence of the abetment, such abetment is punished with the punishment provided for the offence itself. Here is an illustration: "A. instigates B. to give false evidence. B., in consequence of the abetment, commits that offence. A. is guilty of abetting that offence, and is liable to the same punishment as B." For the abetment of an offence punishable with death or transportation for life, if the offence is not committed, the abettor shall be punished with imprisonment of either description which may extend to seven years, and shall also be liable to fine. Throughout the Code the punishment for an offence if committed by a public servant is rightly enough much heavier than for the same offence committed by an ordinary person. For the abetment of an offence punishable with imprisonment, if the offence be not committed, the punishment in the case of a non-official shall be imprisonment which may extend to one-fourth part of the longest term provided for that offence. But if the abettor be a public servant, whose duty it is to prevent the offence, he shall be punished with imprisonment which may extend to one-half of the longest term provided for that offence. Here is the illustration: "A., a police-officer, whose duty it is to prevent robbery, abets the commission of robbery. Here, though the robbery be not committed, A. is liable to one-half of the longest term of imprisonment provided for the offence."

We have now completed the preliminaries of the Code, and it will be a comparatively simple matter to glance through the superstructure of this extra-

ordinarily comprehensive enactment, and so obtain a bird's-eye view of the criminal law of India. It will be seen that each section, which in legal phraseology "creates" an offence, in the first place, when necessary, defines the offence, then describes its commission in terms which cover all possible circumstances, illustrations being frequently added, and then lays down the punishment. But this is not all. Schedule II to the Criminal Procedure Code further lays down with regard to each offence, whether the police may arrest without warrant or not, whether a warrant or a summons shall ordinarily issue *in the first instance, whether the offence is bailable or not, whether it is compoundable or not, and by what court it is triable*. I may here note that while the Code, being introduced in the reign of Queen Victoria, is, in its original edition, full of references to the Queen's Government, Queen's coin, and so on, recent editions of course speak of the King and his Government.

Chapter VI, "Of Offences against the State," commences with the weightiest offence of all. Section 121, for which no definition is needed, lays down that "whoever wages war against the Queen, or attempts to wage such war, or abets the waging of such war, shall be punished with death, or transportation for life, and shall forfeit all his property." Then follows the procedure extracted from the Schedule: "The police shall not arrest without warrant. Warrant shall ordinarily issue in the first instance. Not bailable. Not compoundable. Court of Session." Next come various sections on the collecting of arms, assaulting the Governor-General, or other high officers, and sedition. There is a long definition of sedition, which for the most part is described as at-

tempts to bring into hatred or contempt Her Majesty or the Government established by law in British India. Offences in connection with sedition have unfortunately of late years acquired an unenviable notoriety.

Chapter VII, "Of Offences relating to the Army and Navy," chiefly deals with abetting mutiny, or attempting to seduce a soldier or sailor from his duty. It is also an offence for a civilian to wear "any garb" used by a soldier, with the intention that it may be believed that he is a soldier.

Chapter VIII, "Of Offences against the Public Tranquillity," deals with unlawful assemblies, rioting, and cognate offences. For being a member of an unlawful assembly the punishment is imprisonment of either description which may extend to six months, or fine, or both; but a member of an unlawful assembly who is armed with a deadly weapon is liable to two years' imprisonment. Other sections deal with the promoting of enmity between classes, and the harbouring of persons hired for an unlawful assembly. This system of hiring persons to commit any kind of offence is extraordinarily widespread in India.

The mere headings of the sections in Chapter IX, "Of Offences by, or relating to, Public Servants," are sufficiently suggestive of the moral atmosphere of the East. It is to be remembered that the vast majority of magistrates and other officials in India consist of natives of India. Section 161 is headed "Public servant taking gratification other than legal remuneration in respect of an official act." The punishment for this offence is imprisonment of either description for a term which may extend to three years, or fine, or both. Here is an illustration, evidently taken from life: "A., a moonsif,

(subordinate judge) obtains from Z., a banker, a situation in Z.'s bank for A.'s brother, as a reward to A. for deciding a case in favour of Z. A. has committed the offence defined in this section." Other sections are, "Public servant disobeying law with intent to cause injury to any person," and "Public servant framing an incorrect document with intent to cause injury." Personation is common in India. A candidate for an examination, who does not think that he is likely to pass, will get an obliging friend with better qualifications than himself to take his place. Section 170 provides a heavy punishment for a man who personates a public servant.

Chapter X, "Of Contempts of the Lawful Authority of Public Servants," deals with absconding to avoid service of summons, furnishing false information to a public servant, disobedience to order duly promulgated by public servant, and so on. The punishments are generally lenient; but for giving a false statement on oath the penalty may extend to three years' imprisonment.

Chapter XI, "Of False Evidence and Offences against Public Justice," is of a similar nature. It contains no less than thirty-nine sections, dealing with false evidence, fraudulently obtaining decree for sum not due, taking gift to screen an offender from punishment, harbouring escaped offenders, omission of public servant to apprehend a person whom he is bound to apprehend, contempt of court, and personation of a juror. I am afraid that if all the offences committed against this chapter were inquired into, the number of our courts would have to be multiplied. The illustration to Section 208 is so typical of the East, that it deserves to be quoted in full:

"A. institutes a suit against Z. Z., knowing that A. is likely to obtain a decree against him, fraudulently suffers a judgment to pass against him for a larger amount at the suit of B., who has no just claim against him, in order that B., either on his own account or for the benefit of Z., may share in the proceeds of any sale of Z.'s property which may be made under A.'s decree. Z. has committed an offence under this section."

The next two chapters, on "Offences relating to Coin and Government Stamps," and to "Weights and Measures," are concerned with the counterfeiting or altering the appearance of Queen's coin, and the fraudulent use of false weights and measures. The punishment for offences relating to coin is very heavy. Here is Section 232: "Whoever counterfeits or knowingly performs any part of the process of counterfeiting the Queen's coin shall be punished with transportation for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine." For counterfeiting or uttering false coin the police can arrest without warrant, but for using false weights a warrant is required.

Chapter XIV, "Of Offences affecting the Public Health, Safety, Convenience, Decency, and Morals," contains a miscellaneous variety of provisions that would seem sufficient in itself to constitute a whole code of legislative enactments. The chapter deals with public nuisances, negligent acts likely to spread infection or dangerous diseases, adulteration of food or drink intended for sale, adulteration of drugs, fouling water of spring or reservoir, rash driving, the sale of objectionable books, and the keeping of "any office or place for the purpose of drawing any

lottery not authorized by Government." The section regarding lotteries is easily evaded by the simple expedient of holding the lotteries in Pondicheri or Goa, or the other insignificant parts of India which belong to the French and the Portuguese. Circulars and advertisements setting forth their attractions fly freely over British India.

Chapter XV, "Of Offences relating to Religion," is a small one of four sections only. But in a country like India, where religions are many, and for the most part mutually antagonistic, and the tenets of each man's own particular creed are as the breath of life to him, these provisions of the legislature are of profound importance. In the first of the four sections the offence consists in injuring or defiling a place of worship, with intent to insult the religion of any class of persons, or knowing that the act committed will be considered an insult to their religion. The punishment for the offence may extend to two years' imprisonment. The next offence consists in disturbing a religious assembly, and the next in trespassing on burial places with the intention of wounding the feelings of any person. For the above offences the police may arrest without warrant. The fourth and last is the utterance of words with deliberate intent to wound religious feelings. For this offence the police cannot arrest without a magistrate's warrant.

Next we come to two chapters in the Code which have the most important bearing in the everyday work of the police. Chapter XVI, "Of Offences affecting the Human Body," contains no less than seventy-nine sections, and a numerous assortment of offences ranging from murder to trivial assault. As regards murder, it is noteworthy that the punishment under

the Code is not necessarily death. "Whoever commits murder," Section 302 enacts, "shall be punished with death, or transportation for life, and shall also be liable to fine."

This alternative in punishment admits the principle of a sliding scale in the degree of guilt. There is this advantage in the arrangement, that in cases where there is some excuse for the crime, horror of the supreme penalty of the law need not operate as a stumblingblock to conviction, since the lighter punishment can be awarded. But, taking human nature for what it is, the responsibility thrown upon the judge is too tremendous. In England a jury brings in a verdict of guilty on a charge of murder, and the judge, like a machine, puts on his black cap, and sentences the convicted person to be hanged by the neck till he is dead. He has no choice in the matter. But in India, where there is a choice, human nature rebels against the responsibility of ordering a fellow human being to lose his life. Perhaps there is in the judge's mind a lingering doubt as to the guilt of the accused. Anyhow, the result is that very few persons convicted of murder are hanged. I have some notes of statistics on the subject for the year 1888—a very ordinary year. The figures are for the Bombay Presidency. The number of true murder cases (as apart from false accusations) was 215. For these cases 416 accused were put on their trial. The figures give an interesting sidelight on the fact that in India murders are generally committed by several persons conjointly. Of the persons tried, 168 were convicted. And of these only 18 were hanged. Experience in various countries has shown that with the abolition of capital punishment murders at once increase. Murders in India increase year by year.



Has the astonishingly small proportion of executions to convictions nothing to do with that? In my opinion it has a very great deal to do with it. Accepting the law as it stands, it should at all events be incumbent upon the judge to give the most convincing reasons in each particular case why the sentence of death should not follow on a conviction for wilful murder.

Apart from degrees of murder there is "culpable homicide not amounting to murder," which is practically equivalent to the English term "manslaughter"; and Section 304A, added to the Code in 1870, on "Causing death by negligence," lays down that "whoever causes the death of any person by doing any rash or negligent act not amounting to culpable homicide shall be punished with imprisonment of either description which may extend to two years, or with fine, or with both."

Other sections deal with attempt at suicide, the concealment of birth by secret disposal of dead body, grievous hurt (which includes mutilation and various other injuries all carefully defined), causing hurt to extort confession (a section designed to prevent malpractices on the part of the police, which malpractices render the offender liable to seven years' imprisonment), wrongful restraint and wrongful confinement, criminal force to a woman with intent to outrage her modesty, and kidnapping (which applies to adults as well as to children). The above offences are all cognizable—that is to say, the police may arrest without warrant. For some, such as causing death of an unborn child, buying or disposing of any person as a slave, by reason of the delicacy of their nature, a magistrate's warrant is required. Others, such as simple hurt, or assault, are non-cognizable, for if the

police had to arrest every person who gave a slight slap to some one else, they would have no time for any other duty; while the injured person's anger will probably have time to cool down before he can take out a summons from a magistrate. A few of the numerous illustrations to this chapter will be of interest:

"A. lays sticks and turf over a pit, with the intention of thereby causing death, or with the knowledge that death is likely to be thereby caused. Z., believing the ground to be firm, treads on it, falls in, and is killed. A. has committed the offence of culpable homicide."

"A. is lawfully arrested by Z., a bailiff. A. is excited to sudden and violent passion by the arrest, and kills Z. This is murder, inasmuch as the provocation was given by a public servant in the exercise of his powers."

"A., a police-officer, tortures B. to induce him to point out where certain stolen property is deposited. A. is guilty of an offence under Section 330."

"A. begins to unloose the muzzle of a ferocious dog, intending, or knowing it to be likely that he may thereby cause Z. to believe that he is about to cause the dog to attack Z. A. has committed an assault on Z."

Cases of several unpleasant kinds are dealt with in this chapter. In a book intended for the ordinary reader there is no need to refer to them more specifically.

Chapter XVII, "Of Offences against Property," is one which, even more than the preceding one, provides the police with occupation. Consisting of eighty-five sections, it disposes of a multiplicity of offences, including the extremes of petty theft on

the one hand, and dacoity with murder on the other. It might be supposed that it was a simple matter to know what constitutes "theft." But it takes a definition with five explanations and sixteen illustrations to tell us what theft is, and how it differs from criminal misappropriation of property and other offences. "Whoever," runs the definition in Section 378, "intending to take dishonestly any moveable property out of the possession of any person without that person's consent, moves that property in order to such taking, is said to commit theft." Passing over the explanations, I will give a few of the illustrations:

"A. meets a bullock carrying a box of treasure. He drives the bullock in a certain direction in order that he may dishonestly take the treasure. As soon as the bullock begins to move A. has committed theft of the treasure."

"A. finds a ring belonging to Z. on a table in the house which Z. occupies. Here the ring is in Z.'s possession, and if A. dishonestly removes it A. commits theft."

"A. finds a ring lying on the high road, not in the possession of any person. A. by taking it commits no theft, though he may commit criminal misappropriation of property."

"A., in good faith, believing property belonging to Z. to be A.'s own property, takes that property out of B.'s possession. Here, as A. does not take dishonestly, he does not commit theft."

After enumerating various kinds of thefts, the chapter proceeds to "extortion." "Whoever," Section 393 declares, "intentionally puts any person in fear of any injury to that person or to any other and thereby dishonestly induces the person so put

in fear to deliver to any person any property or valuable security, or anything signed or sealed which may be converted into a valuable security, commits extortion." This section is non-cognizable, but the definition is necessary in order to understand what constitutes robbery and dacoity, both of which heinous offences are of course cognizable.

In all robbery there is either theft or extortion. Slightly abbreviating the definitions, theft is robbery if in the commission of the theft the offender attempts to cause death or hurt, or fear of instant death, or other injuries. *Extortion is robbery if in committing the offence the offender puts his victim in fear of instant death or other injuries, whether to himself or to some one else.* Here is an illustration :

"A. meets Z. and Z.'s child on the high road. A. takes the child, and threatens to fling it down a precipice, unless Z. delivers his purse. Z., in consequence, delivers his purse. Here A. has extorted the purse from Z. by causing Z. to be in fear of instant hurt to the child who is there present. A. has therefore committed robbery on Z."

This leads us to dacoity, or gang-robbery, an offence which, in spite of all efforts of the Government of India, is still the scourge of the country.

"When five or more persons," Section 391 runs, "conjointly commit or attempt to commit a robbery, or where the whole number of persons conjointly committing or attempting to commit a robbery, and persons present and aiding such commission or attempt amount to five or more, every person so committing, attempting, or aiding, is said to commit dacoity."

The police are well aware how much importance the authorities attach to a dacoity. As a conse-

quence it is remarkable in how many robberies the number of offenders is reported as four and no more. This procedure is calculated to save a great deal of trouble to all concerned. For one thing a robbery can be tried by a first-class magistrate ; but a dacoity case has to go to the Sessions Court.

Other sections in Chapter XVII deal with dishonest misappropriation of property, criminal breach of trust, habitually dealing in stolen property, cheating, mischief (which means the causing of wrongful loss or damage), mischief by fire (which is the equivalent of arson), criminal trespass, lurking house-trespass by night, and housebreaking. This latter offence takes a definition with six explanations and eight illustrations to make it clear. Here is one of the illustrations :

“ A. commits house-trespass by creeping into a ship at a port-hole between decks. This is house-breaking.”

The next four chapters of the Penal Code hardly concern the police. Two sections only are cognizable. The remainder are non-cognizable ; and the police can only take action when armed with a magistrate's warrant, or when specifically directed by a magistrate to investigate them. Neither of these contingencies is of frequent occurrence. The time of the police is fully occupied with cognizable cases. Chapter XVIII, “ Of Offences relating to Documents, and to Trade or Property Marks,” includes forgery, and it is with two of the forgery sections that the police can act on their own authority. Section 467, “ Forgery of valuable security, will, etc.,” for which the punishment may extend to ten years' imprisonment, and Section 471, “ Using as genuine a forged document,” are both cognizable. It is most exceptional for the



A CAMEL CONSTABLE TAKING THE SAHIB'S SON FOR A RIDE (91ND)  
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police to be called upon to investigate "Criminal Breaches of Contracts of Service" under Chapter XIX, "Offences relating to Marriage" (bigamy, and fraudulent marriage ceremony) under Chapter XX, "Defamation" under Chapter XXI, or "Criminal Intimidation" under Chapter XXII.

Chapter XXIII, on "Attempts to commit Offences," is the last and also the shortest in the Code. It consists of one section only. The following illustration may suffice for this chapter :

"A. makes an attempt to steal some jewels by breaking open a box, and finds after so opening the box that there is no jewel in it. He has done an act towards the commission of theft, and therefore is guilty under this section." An attempt to commit an offence is cognizable or not by the police according as the offence of which the commission is attempted is or is not cognizable.

Though the requirements of space have compelled me to omit reference to many points of considerable importance, yet I venture to think that in this brief sketch of the Indian Penal Code I have been able to present its main features in their broad outlines, and to give a general idea of this extraordinary legislative achievement. I can now proceed to its companion volume, the Criminal Procedure Code, by means of which the principles of the Penal Code are reduced to practical application.



## CHAPTER X

### SKETCH OF THE CODE OF CRIMINAL PROCEDURE

THE Code of Criminal Procedure contains forty-six chapters. These comprise 565 sections, most of which are concerned with rules and directions for the trial of cases by Magistrates, by Judges, and by the High Courts. Cases are on the whole tried very much in the same way in India as in England. Perhaps even more tenderness is shown to the accused in India ; and certainly more appeals are allowed from one Court to another. About the procedure of the Courts I have very little to say. The matter is outside my subject. I will briefly refer to a few matters of special interest, and to certain striking divergencies between the Indian and the English systems. I will then consider the provisions of the Code that relate to the police.

Besides the High Courts, of which there is one for each presidency or province, there are the following five classes of Courts in British India :

I. Courts of Session.

II. Presidency Magistrates (for the cities of Calcutta, Madras, and Bombay).

III. Magistrates of the first class.

IV. Magistrates of the second class.

V. Magistrates of the third class.

A High Court may pass any sentence authorized by law.

A Sessions judge may pass any sentence authorized by law ; but any sentence of death passed by any such judge is subject to confirmation by the High Court. When it is remembered that a Sessions judge is frequently a young officer of the Indian Civil Service of not more than thirty years of age, and that in most places he tries cases without the aid of a jury, this proviso may be considered distinctly necessary.

Presidency magistrates, and magistrates of the first class, may pass sentences of two years' imprisonment, fine not exceeding one thousand rupees, and whipping. A first-class magistrate is often a young officer of two years' service, or less than twenty-five years of age.

Magistrates of the second class may pass sentences of six months' imprisonment, fine not exceeding two hundred rupees, and (if specially empowered) whipping.

Magistrates of the third class may pass sentences of one month's imprisonment, and fine not exceeding fifty rupees.

The most noteworthy difference between the procedure in England and in India lies in the rules regarding juries.

In trials before the High Court the jury consists of nine persons. When in a case tried before a High Court the jury are unanimous in their opinion, or when as many as six are of one opinion, and the judge agrees with them, the judge gives judgment in accordance with such opinion. If there are not so many as six who agree in opinion, the judge has to discharge the jury. He may order the accused to be tried by another jury, or he may acquit him.

As a general rule, in the Court of a Sessions judge there is no jury. In a few selected places, however,

such as Poona or Karachi, there is always a jury. The natives of India attach great value to this bulwark of liberty. But when Hindoo or Mahometan gentlemen are informed that they are expected to sit on a jury they all with one consent begin to make excuse. It comes to this—that jurymen are generally low-paid clerks in Government offices. Their verdicts are at times extraordinarily perverse. It is generally held that the object of the institution in India is to gradually educate the people in principles of law and equity, rather than to facilitate justice in any particular case. When there is no jury, two persons called “assessors” sit with the judge. At the conclusion of the case, before judgment is delivered, the judge requires each assessor to state his opinion orally, and he records such opinion. But the judge in giving judgment is not bound to conform to the opinions of the assessors.

In places where cases are tried by jury before a Court of Session, the jury consists of such uneven number, not being less than three, or more than nine, as the local Government may direct. Local Government means the Government of a presidency or province.

When in a case tried before the Court of Session the judge does not think it necessary to express disagreement with the verdict of the jurors, or a majority of the jurors, he gives judgment accordingly. If, however, he does disagree with the verdict, and is clearly of opinion that it is necessary for the ends of justice to take further action, he submits the case to the High Court, which may acquit or convict the accused of any offence of which the jury could have convicted him upon the charge framed and placed before it.

By Section 340 every person accused before any Criminal Court may of right be defended by a pleader.

So far as liability to punishment for offences committed by them is concerned, European British subjects have no privileges over their Indian fellow subjects. As regards European and Indian, black and white, the law is absolutely impartial, and recognizes no distinction. I remember some years ago a sergeant in a British regiment being hanged at Belgaum for the murder of a native.

But with regard to the manner of trying European British subjects there is a great deal of difference. When it is remembered that India is the land of false accusations, that witnesses can be obtained for four annas each to swear to whatever they may be asked, and that the European who is accused of an offence may be a poor man, employed perhaps as a platelayer on a railway under construction, with no other European within fifty miles of him, that he may know little of the language, and nothing of the law, it is not wonderful that all precautions are necessary to see that he gets a fair trial.

No magistrate (except in the case of a district magistrate, or a presidency magistrate), unless he is a magistrate of the first class, and himself a European British subject, may inquire into or try any charge against a European British subject. It is to be remembered that a district magistrate may be, and a presidency magistrate nearly always is, a native of India.

In trials of European British subjects before a High Court or Court of Session the trial is by a jury of which not less than half the number must be Europeans or Americans.

Before a district magistrate, a European British

subject may claim that the trial shall be by a jury composed in the manner prescribed above. If in certain places it is difficult or impossible to obtain such a jury, the accused may be sent for trial to some district where the requisite jury can be obtained.

A district magistrate cannot pass on a European British subject a sentence of imprisonment for a term longer than six months. He may, however, order him to pay a fine of two thousand rupees. When the magistrate considers that a more severe punishment is necessary he commits the accused to the Sessions. When the offence which appears to have been committed is punishable with death or transportation for life, the commitment is to the High Court.

There are also some privileges for Europeans who are not British subjects, such as French or Italians, and also for Americans. In cases triable by jury, or with the aid of assessors, the accused may claim that half the number of jurors or assessors shall be Europeans or Americans.

What constitutes a European British subject? There is a curious point in the rather long definition of such subject. The definition includes "any subject of Her Majesty born . . . in the Colony of the Cape of Good Hope, and any child or grandchild of such person by legitimate descent." It is obvious that such descendant might be a full-blooded Hindoo, whose grandparents had emigrated to the Cape as coolies. But I have never heard of such a claim being set up.

There is nothing more in the laws concerning the trial of cases that calls for notice here, and I can now proceed to those portions of the Criminal Procedure Code which lay down the powers and the

responsibilities of the police, and also, in certain circumstances, of the public.

The duties imposed by the Code upon the general public are by no means inconsiderable. Every person is bound to assist a magistrate or police-officer reasonably demanding his aid, in the taking or preventing the escape of any other person whom such magistrate or police-officer is authorized to arrest. We shall see later on that this is a very large order. Every person, moreover, is bound to assist in the prevention or suppression of a breach of the peace, or in the prevention of any injury attempted to be committed to any railway, canal, telegraph, or public property. Furthermore, every person aware of the commission of, or of the intention of any person to commit, any serious offence, including offences against the State, unlawful assembly, murder, robbery, and dacoity, shall, in the absence of reasonable excuse, the burden of proving which shall be upon the person so aware, forthwith give information to the nearest magistrate or police-officer of such commission or intention. The punishment for omitting to give information that an offence has been committed is laid down in Section 202 of the Penal Code. I wonder how often this section has been applied! The very last thing that a native of India would think of is voluntarily to give such information. Why mix himself up with what does not concern him, when the result of so doing will only be to incur any amount of trouble? How much easier to look the other way, and be unaware of any little incident that may have occurred!

On landholders, village headmen, village watchmen, and so on, there are more specific responsibilities. These gentlemen must communicate to the nearest

magistrate or police-station any information which they may obtain respecting the permanent or temporary residence of any notorious receiver or vendor of stolen property in their villages, or on their lands, the resort to such villages or lands of any person whom they know or reasonably suspect to be a robber, escaped convict, or proclaimed offender, the commission of, or intention to commit, a serious crime, and any death under suspicious circumstances. I am afraid that these obligations are too often more honoured in the breach than in the observance. Perhaps it is a little too much to ask people to report the movements of receivers of stolen property, when every one knows that nine native shopkeepers out of ten are perfectly ready to purchase stolen property if the risk is not too great.

The police have very extensive powers of arrest; and the rules defining these powers are extremely elaborate. There is a long list in Section 54 of persons whom *any* police-officer may arrest without an order from a magistrate, and without a warrant. The list includes any person who has been concerned in any cognizable offence, or against whom a reasonable complaint has been made, or credible information has been received, or (the law is not going to allow any possible loop-hole!) a reasonable suspicion exists, of his having been so concerned. Leaving alone the legal terminology, a policeman may arrest, amongst others, any person having in his possession any housebreaking implements or any stolen property, any proclaimed offender, any deserter from the Army or Navy, any person who obstructs a police-officer while in the execution of his duty, and any one who escapes from lawful custody.

An officer in charge of a police-station has still

wider powers of arrest. Under Section 55 he may arrest, amongst others, any person taking precautions to conceal his presence with a view to committing a cognizable offence, or who cannot give a satisfactory account of himself, or is by repute an habitual robber, housebreaker, or thief. Even a person who has committed a non-cognizable offence may be arrested if he refuse to give his name and address, or he gives a name and address which the police believe to be false.

In the making of arrests, the police are vested with far-reaching authority. A police-officer may, for the purpose of arresting without warrant any person whom he is authorized to arrest, pursue such person into any place in British India. If a person forcibly resists the endeavour to arrest him, the police may use all means necessary to effect the arrest. The latitude allowed by this section is emphasized by the remarkable proviso attached to it. "Nothing in this section," says the proviso, "gives a right to cause the death of a person who is not accused of an offence punishable with death, or with transportation for life."

If a person to be arrested is inside a building, and entrance is refused, a police-officer may, in order to effect an entrance, break open any door or window. But if the apartment to be entered is in the actual occupancy of a woman (not being the person to be arrested), who, according to custom, does not appear in public, the police-officer shall give her notice that she is at liberty to withdraw. Every person arrested, except in cases where bail is allowed, is searched, and all articles other than necessary wearing apparel placed in safe custody. A woman can be searched only by another woman, and with strict regard to



decency. If the powers of the police are extensive, so are the restrictions upon their action very definite. It is of the utmost importance that an arrested person shall be placed as soon as possible before a magistrate who has jurisdiction in his case. Section 61 lays down that no police-officer shall detain in custody a person arrested without warrant for a longer period than under all circumstances of the case is reasonable, and such period shall not, in the absence of a special order of a magistrate, exceed twenty-four hours, exclusive of the time necessary for the journey from the place of arrest to the magistrate's court.

In practical work there is no doubt that this provision of the legislature puts certain difficulties in the way of a conscientious investigating officer. The officer may be engaged in the investigation of a dacoity at a distance of twenty miles or more from his police-station. He finds that there are grounds for the arrest of, let us suppose, three persons. But he has to discover the stolen property, collect evidence, and also get hold of the remainder of the culprits. This may take several days. If he arrests the three suspects and sends them off to the magistrate, he is put to considerable disadvantage. He loses the services of his subordinates, who have to go away in charge of the arrested persons. It is also possible that these persons are after all not the real culprits, and by sending them away he deprives himself of what might be a valuable source of information regarding other people who may be subsequently arrested. Here oriental ingenuity comes in. The officer refrains from making any formal arrests for as long as he can, perhaps three or four days. But meanwhile he cannot let any suspected persons

go. He has therefore hit upon the plan of detaining them in a sort of informal custody, in which the accused are nominally free men, but are not actually at liberty. This is an irregularity which European officers have strenuously to fight against. The circumstances are generally elicited in court during cross-examination, and the case for the prosecution then appears in an unfavourable aspect. I need hardly say that in the numerous cases which I have investigated personally, I was always most careful to observe the requirements of the law ; and, in spite of the difficulties involved, I do not think that the cases suffered in the end. On the contrary, the absence of any equivocal procedure impressed the Court with the *bona fides* of the prosecution.

In a country where the detection of cases is so exceedingly difficult, where the bringing home of offences to evildoers is often wellnigh impossible, it is of paramount importance to give the officers of the law plenary powers for the prevention of offences by the taking of security from known bad characters. We have seen how Sections 54 and 55 give the police large powers of arrest of suspected persons, vagabonds, and habitual robbers. Chapter VIII of the Criminal Procedure Code tells us what is to be done with these gentry. Under Section 109, vagrants, and persons who are without ostensible means of subsistence, and who cannot give a satisfactory account of themselves, may be placed before a magistrate who has not less than first-class powers. The magistrate may require such person to show cause why he should not give security for good behaviour for a year. For hardened malefactors, the provisions of the Code are more stringent. A person who is by habit a robber, housebreaker, thief,

a perpetrator of various heinous offences, or so desperate and dangerous as to render his being at large without security hazardous to the community, may be placed before a subdivisional magistrate, and required to give security for such period, not exceeding three years, as the magistrate thinks fit to fix. If any of these persons who is ordered to give security is unable to do so, he goes to jail instead.

It is by no means easy for the police to induce a Court to order a suspected person to give security. The magistrate is generally more or less suspicious of the action of the police. He asks, perhaps not unnaturally, of the prosecuting officer, "If this Rama, or Jooma, is really guilty of a series of offences, how is it that you cannot prove any of them individually?" Cases, of course, are not unknown where a landholder has a dispute with a tenant about rent, and he gets the police to run him in under Chapter VIII as a "budmash," by way of bringing him to his senses. So the Courts always make the strictest inquiries before passing the order which the police ask for. I have known inquiries last for weeks and weeks. While the security section gives great power conjointly to the police and magistracy, yet the provisions for the defence of the accused are very carefully and completely laid down. When the magistrate deems it necessary to require any person to show cause why he should not be ordered to execute a bond with securities for good behaviour, he has to make an order to this effect in writing, setting forth the substance of the information received, and the details of the security required. This is read and explained to the accused, who can then call any witnesses whom he likes for his defence. One point in the regulations is remarkable. The

fact that a person is an habitual offender may be proved by evidence of general repute or otherwise. This somewhat sweeping provision cannot be exercised without the greatest caution. It is easy in India to obtain evidence of general repute that any person who has rendered himself in any way unpopular is an habitual offender. There is consequently grave danger of injustice being done to innocent persons. As I have said, the Courts are most careful and discriminating, and the caution of the magistrates counterbalances any excess of zeal or error in judgment of the police. Perhaps in about half the number of cases sent before them, the Courts pass orders for security. In about half of these security is given, and in the remaining cases the accused goes to jail. On the whole, the vigorous and intelligent working of Chapter VIII has a wonderful effect in keeping a district quiet.

Chapter IX of the Criminal Procedure Code deals with "Unlawful Assemblies," and some of its provisions must be reproduced. Any magistrate, or officer in charge of a police-station, may command an unlawful assembly to disperse. If such assembly does not disperse, any magistrate, or officer in charge of a police-station, may proceed to disperse such assembly by force, and may require the assistance of any male person, not being an officer or soldier in His Majesty's Army, or a volunteer, for the purpose of dispersing such assembly. This proviso as to military aid does not last long. The very next section says that if such assembly cannot be otherwise dispersed, the magistrate of the highest rank who is present may cause it to be dispersed by military force. Every military officer is to obey the magistrate's requisition in such manner as he

thinks fit; but in doing so he shall use as little force, and do as little injury to person and property, as may be consistent with dispersing the assembly, and arresting and detaining offenders. Furthermore, when the public security is manifestly endangered by any such assembly, and no magistrate can be communicated with, any commissioned officer of His Majesty's Army may disperse such assembly by military force, and arrest offenders upon his own responsibility.

The following are the rules in the Bombay Presidency for the use of firearms in the suppression of riots: "When a magistrate, or an officer in charge of a police-station, engaged in dispersing an unlawful assembly is compelled, in the last resort, to direct the police acting under him to use their firearms, he shall give the rioters the fullest warning of his intention, warning them beforehand that the fire will be effective, that ball or buckshot will be used at the first round, and that blank cartridge will not be used. Firing shall cease the instant it is no longer necessary. Care should be taken not to fire upon persons separated from the crowd, nor to fire over the heads of the crowd, as thereby innocent persons may be injured. Blank cartridges should never be served out to police employed to suppress a riot." In a quarter of a century's service I never encountered the necessity of using firearms.

A very few more examples of the preventive action of the police must be given, and we can then proceed to their powers of investigation. Every police-officer may interfere for the purpose of preventing, and shall to the best of his ability prevent, the commission of any cognizable offences. Information of design to commit any such offence must be com-

municated by subordinate to superior police-officers, and to magistrates. A police-officer may arrest without warrant a person designing to commit a cognizable offence, if the commission of the offence cannot otherwise be prevented. Finally, any police-officer may interpose to prevent injury to any property, or any public landmark or buoy.

Chapter XIV, on "Information to the Police, and their Powers to investigate," includes sections from 154 to 176. While conferring very comprehensive powers upon the police, the chapter contains minute and careful precautions designed to prevent any ill-treatment of accused or witnesses by the police.

The first thing that the officer in charge of a police-station has to do when he receives information relating to the commission of a cognizable offence is to reduce it to writing, take the signature of the person giving the information, and enter the substance of the information in a register kept for that purpose. If the offence of which information is received is non-cognizable, the officer enters the substance in a book, and refers the informant to the magistrate. No police-officer may investigate a non-cognizable case without the order of a magistrate of the first or second class having power to try such cases or commit the same for trial.

When the officer in charge of a police-station, from information received or otherwise, has reason to suspect the commission of a cognizable offence, he must at once send a report of the same to a magistrate, and proceed in person, or depute a subordinate to proceed to the spot, "to investigate the facts and circumstances of the case, and to take such measures as may be necessary for the discovery and arrest of the offender." The report to the magistrate

consists of a printed form, which is a counterfoil from the book in which the information is registered. The magistrate, on receiving the report, may proceed to hold a preliminary inquiry into the case ; but the investigation is practically always left to the police. The investigating police-officer may, by order in writing, summon before him any persons acquainted with the circumstances of the case. He may question them, and take down their statements. But no such statement is to be signed by the person making it, nor shall such writing be used as evidence.

To this last rule there is a curious exception. If the statement of a witness for the prosecution has been taken down in writing, the Court may, on the request of the *accused*, refer to such statement, and furnish a copy to the accused ; and the statement may be used to impeach the credit of the witness. The investigating police-officer has to be most careful not to make, or cause to be offered to make, any inducement, threat, or promise to any person to make any statement of the nature of a confession. But, on the other hand, he need not prevent, by any caution or otherwise, any person from making any statement which he may be disposed to make of his own free will. If an accused person makes a confession, he is forthwith to be sent to a magistrate. No magistrate may record any confession unless he has reason to believe that it has been made voluntarily ; and he must make the following memorandum at the foot of such record :

“ I believe that this confession was voluntarily made. It was taken in my presence and hearing, and was read over to the person making it, and



A DISTRICT SUPERINTENDENT OF POLICE



DARJEELING POLICE (BENGAL)





admitted by him to be correct, and it contains a full and true account of the statement made by him.

“ (Signed) A. B.

“ *Magistrate.*”

Notwithstanding this safeguard, it is a matter of the most usual experience that confessions made to a magistrate shortly after arrest are withdrawn when the case comes on for trial. The accused person says, as a matter of course, that he only made his confession because the police beat him. It matters not how careful the magistrate who records the confession may be. He bids the accused sit still for an hour, and think quietly before he makes any statement. He sends every police-officer out of sight and out of hearing. He asks the accused if he has undergone any ill-treatment, or has any marks of beating. There has been no ill-treatment, and there are no marks of beating. The confession, which is almost certainly true, and almost equally certainly voluntary, is then recorded. Of course it is retracted later on, and the accused by that time has contrived to have upon his person marks which he says were caused by the police beating him. The medical evidence frequently disposes of this contention. Over and over again, before the trying magistrate or the Sessions judge, there comes on the wearisomely monotonous argument as to whether the retracted confession is to be taken into consideration as evidence or not. In my opinion, it would be advisable to make all confessions made previous to the trial once for all irrelevant. One effect of this would be to put the police upon their mettle to obtain extraneous evidence, and not rest satisfied with this miserable confession which is more likely than not

to be withdrawn, and leave them stranded, at the last moment. I have elaborated my arguments on this subject later on.\*

The investigating police-officer may search any house suspected to contain stolen property, or anything necessary to the conduct of an investigation. He may, if necessary, obtain ingress in the manner described above for the making of arrests. He may search any person who is reasonably suspected of concealing any article about him for which search should be made. Every search must be made in the presence of two or more respectable inhabitants of the locality in which the place to be searched is situated. A list of all articles seized in the course of the search has to be prepared, and signed by the witnesses. The occupant of the place searched must in every instance be permitted to attend during the search; and a copy of the list of the articles seized must be delivered to him. The investigating officer must, if practicable, conduct the search in person. In spite of all these elaborate precautions, the almost invariable defence made in court by an accused person in whose possession stolen property has been found is that the police put it there!

The provisions of this chapter are all drawn up on the assumption that some person or other is arrested on account of the offence that has been committed. Needless to say, it only too frequently happens that there is no clue whatever to the offender, and consequently no one is arrested. Here departmental procedure steps in, and supplements the Code with instructions for the investigating officer. He has to submit a detailed "final report," embodying all the circumstances of the case, to the district or

\* See Chapter XIV, p. 173.

subdivisional magistrate, through the district superintendent of police. The report may show that the offence in question was actually committed, and that the offender is unknown, or, on the other hand, that the information was false, and the alleged offence was never committed at all. Either the magistrate or the head of the police may order further inquiries to be made. About the reporting of cases as false there is always a bitter controversy between the police and the magistracy. That in a large number of cases, possibly thirty or more per cent., the information is either deliberately or by some misapprehension false, there can be no doubt. On the other hand, when an investigating officer cannot detect a case, and he is reluctant to register it as "undetected," it is a fairly simple matter for him to submit a circumstantial report that the alleged facts never occurred. Doubtless some true cases are disposed of as false. It is equally certain that some false cases are registered as true by over-suspicious magistrates. It is always for the magistrate, and not for any police-officer to decide if an accusation is true or false.

One very important check on irregularities is the submission day by day of a diary by the investigating officer. In this diary he has to enter all his proceedings in the investigation, "setting forth the time at which the information reached him, the time at which he began and closed his investigation, the place or places visited by him, and a statement of the circumstances ascertained through his investigation." When the investigation cannot be completed within twenty-four hours, the investigating officer sends a copy of his diary every day to the officer in charge of the police-station, who forthwith transmits it to

the nearest magistrate. This precaution is designed to prevent any tampering with the earlier portion of the record, in order to make it correspond with facts subsequently elicited. An average officer would not hesitate to make such alterations if he could. Anything is considered fair, not to say laudable, by native police, which will help to secure the conviction of a person whom the police believe to be guilty.

When an accused has been arrested, and the evidence is sufficient, the officer in charge of the police-station forwards the accused under custody to a magistrate empowered to take cognizance of the offence, or, if the offence is bailable, takes security from the accused for his appearance before such magistrate. He also sends to the magistrate stolen property, weapons, etc., connected with the case, and causes the witnesses to execute a bond to appear and give evidence before the magistrate. It is specially laid down that no complainant or witness on his way to the court of the magistrate shall be required to accompany a police-officer. They are not to be subject to any unnecessary restraint or inconvenience, or required to give any security for their appearance other than their own bond. Only if a witness refuses to execute a bond may he be forwarded in custody to the magistrate. I have never heard of this contingency arising. When an accused has been arrested, but the evidence is not sufficient to justify a prosecution, the officer in charge of the police-station may release him on his signing a bond to appear if required.

There are other matters besides reports of crime which the officer in charge of a police-station has to investigate under this chapter. If he receives information that a person has committed suicide,

or been killed by another, or by an animal, or by machinery, or by an accident, or died under circumstances raising a reasonable suspicion that some other person has committed an offence, he must, after of course giving information to the nearest magistrate, proceed to the place where the body of the deceased person is, and there, in the presence of two or more respectable inhabitants of the neighbourhood, make an investigation, and draw up a report of the apparent cause of death, describing such wounds and other marks of injury as may be found upon the body.

The intention of the law is excellent. But the way in which it is carried out is often farcical. The two or more respectable inhabitants of the neighbourhood have a strong objection to being polluted by being brought into contact with a dead body. They will therefore sit down at a distance, and afterwards sign anything that they are told to. These gentlemen, if they are subsequently cross-examined in court, frequently cut rather a sorry figure. If necessary the body may be forwarded for examination to the nearest civil surgeon, provided that the state of the weather and the distance admit of its being so forwarded without risk of such putrefaction on the road as would render the examination useless. Here again the folly of subordinate officers may defeat the object of the legislature. A medical officer in Madras has recorded that, "I have had corpses sent to me from a distance, the escort of which having been changed, I could get no information as to whose corpse it was supposed to be, the police report reaching me perhaps some hours after, or next day; and I have been obliged to say I examined a body at such an hour, and said to be brought

from such a direction, but could not say if it was that of deceased."

The death of any person in the custody of the police is very rightly regarded as a matter of the gravest importance. The inquiry into such a circumstance has always to be carried out by a magistrate. In this, or in any case, whenever a magistrate considers it expedient to make an examination of the dead body of any person who has already been interred, in order to discover the cause of his death, the magistrate may cause the body to be disinterred and examined.

Thus, while the police are vested with wide powers for the discharge of their duties, it will be realized that the legislature has been most careful to provide all possible checks or precautions to prevent any undue interference with, or any harassing of, the people, or any other irregularity on the part of the police.

## CHAPTER XI

### THE POLICE CODE

My readers, if any have managed to struggle so far through these pages, will, I fear, be horror-stricken when they see before them another chapter on law. "Are we never to get to the police themselves?" they may well ask. "Are these preliminaries of history and law going on to the end of the book?" I am very sorry, but I cannot let them off this chapter. It must be written. All that I can say is, that, like the baby in *Mr. Midshipman Easy*, it will only be a little one.

The Indian Penal Code and the Code of Criminal Procedure presuppose the existence of a statutory police-force. Now, if the Government of India has ever left undone anything which it ought to have done, I am quite certain that the omission did not consist in failure to legislate regarding any subject whatsoever. There is a perfect legion of enactments of the most miscellaneous character. It would therefore be unfair to the police-force not to give it an Act of its own. Without such an Act the force might lack that unassailable legal basis which it has a right to demand. But for the powers conferred upon him by a special enactment, the authority of a policeman might be called in question whenever he took any action in the ordinary execution of his



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duty. His very existence as an officer of the law might not be recognized. Moreover, in a large force like the police, discipline is necessary, and this must be enforced by law. There is therefore "An Act for the Regulation of Police," which is officially known as Act No. V of 1861. This Act applies to most of the provinces of India.\* We will glance at its more important provisions. The preamble says that "whereas it is expedient to reorganize the police, and to make it a more efficient instrument for the prevention and detection of crime, it is enacted as follows."

After some definitions the Act lays down the "Constitution of the Force." "The entire police-establishment," it says, "under a local Government shall, for the purposes of this Act, be deemed to be one police-force, and shall be formally enrolled, and shall consist of such number of officers and men, and shall be constituted in such manner, and the members of such force shall receive such pay, as shall from time to time be ordered by the local Government, subject to the sanction of the Governor-General of India in Council."

The local Government is to appoint an Inspector-General of Police, with such deputies and assistants as to the local Government shall seem fit. The administration of the police throughout a "district" shall, under the general control and direction of the district magistrate, be vested in a district superintendent, and such assistants as may be necessary. The appointment of the rank and file rests with the above superior officers of the forces, who are also vested with plenary disciplinary powers. They may,

\* The Bombay Presidency has a somewhat more elaborate Police Act of its own.

under such rules as the local Government may sanction, dismiss, suspend, or reduce any police-officer whom they shall think remiss or negligent in the discharge of his duty, or unfit for the same. They may, moreover, award any one or more of the following punishments to any police-officer who shall discharge his duty in a careless or negligent manner—namely :

- (a) fine to any amount not exceeding one month's pay ;
- (b) confinement to quarters for a term not exceeding fifteen days, with or without punishment drill, extra guard, fatigue, or other duty ;
- (c) deprivation of good-conduct pay ;
- (d) removal from any office of distinction or special emolument.

A police-officer is not always in uniform. But he must always have with him some badge of office to prove who he is, in case his authority is disputed. Every subordinate officer on his appointment receives a certificate, by virtue of which he is vested with the powers, functions, and privileges of a police-officer. The term " officer " includes a constable, who is defined as a police-officer of the lowest rank. One of the conditions of service of a police-officer is that he may not engage in any other employment. Another condition is that he is not at liberty to resign without express permission unless he has given two months' notice of his intention to do so.

A police-officer is considered to be always on duty. This does not, of course, mean that he has no time to himself. What it does mean is that if an officer who is off duty happens to see (for instance) some offence being committed in which his interference is

necessary, he is not at liberty to refrain from action on the ground that he is not on duty. Some of his more ordinary duties are thus described: "It is the duty of every police-officer promptly to obey and execute all orders and warrants lawfully issued to him by any competent authority, to collect and communicate intelligence affecting the public peace, to detect and bring offenders to justice. It is lawful for every police-officer, for any of these purposes, without a warrant, to enter and inspect any drinking-shop, gaming-house, or other place of resort of loose and disorderly characters. It is the duty of the police to take charge of all unclaimed property, and to keep order in streets and public places."

We have already heard of a police-officer's liability to departmental punishments. They are fairly severe, but there are worse terrors held over him. A police-officer guilty of any violation of duty, or who may be guilty of cowardice, or who may offer any unwarrantable personal violence to any person in his custody, is liable to be prosecuted before a magistrate, who may sentence him to a fine, or to imprisonment for a period not exceeding three months, or both.

Natives of India have a perfect passion for processions in the public streets, whether on the occasion of marriages, religious ceremonies, or what not. Often two rival bodies of religious enthusiasts wish to pass in procession along the same road at the same time. This, of course, cannot be allowed, and careful instructions have to be drawn up. Hindoos, moreover, have a sentiment in favour of producing weird sounds which they consider to be music as they pass in procession in front of a Mahometan mosque, more especially if it happens to be the time when the faithful are engaged in prayer. So this Act gives

authority to a district superintendent or assistant district superintendent of police to direct the conduct of assemblies and processions on the public roads, to forbid certain processions to take place without a licence, and to regulate the extent to which music may be used in the streets on the occasion of festivals and ceremonies.

As compared with the proportion of police to population in England, the numerical strength of the police in India is by no means excessive. It is frequently barely sufficient for its work. It has therefore occasionally to be reinforced. There are various rules for the employment of additional police. Of these the following is the most important: "The local Government may declare that any area subject to its authority has been found to be in a disturbed or dangerous state. A police-force in addition to the ordinary fixed force may be employed and quartered in the specified area. The cost of such additional police-force shall be borne by the inhabitants of the area. The district magistrate apportions such cost among the inhabitants. The local Government may exempt any persons or class or section of the inhabitants from liability to bear any portion of the cost."

In times of riots or disturbance, residents of the neighbourhood may be temporarily enrolled as "special police-officers," and be granted the same powers as the ordinary officers of police.

Finally, this Act lays down the punishments to which the public are liable, on conviction before a magistrate, for various minor offences which do not come into the purview of the Indian Penal Code. These include "cruelty to animals," "obstructing traffic," "throwing dirt into street," "being drunk or riotous or incapable of taking care of himself,"

“neglect to fence in, or duly to protect any well, tank, or dangerous place.”

So much for Act V. Although a short Act, there is a great deal in it. I have now, besides sketching the history of the Indian Police up to its existing formation, given the main principles of the law by which it is constituted and which it has to enforce. We can now proceed to a description of this police-force, and of its multifarious and manifold duties, from a more personal point of view.

## CHAPTER XII

### DESCRIPTION OF THE POLICE OF THE THANA DISTRICT

I AM not fond of statistics, partly perhaps because, during my many years of police work in India, I have had too much to do with them. But I must give just a few which I think will help readers who are not personally acquainted with India to grasp the magnitude of the task that we have undertaken in our great Dependency.

Excluding the village watch, which is still maintained as a subsidiary police in most parts of the country, the regular police in British India consisted, until the last few years, of a total strength of 150,591 officers and men. The cost of maintenance of this force was Rs.25,839,630, or, taking fifteen rupees as the equivalent of one pound, £1,722,642. In accordance with the recommendations of Lord Curzon's Police Commission, the number of police is at present being considerably increased; but as the process is still incomplete I take the statistics as they existed three or four years ago.

I wish to give some comparison between the strength of the police in England and in India. The figures, however, for the whole of India are so vast that it would be no easy task for the mind to follow them; and it will be simpler to select a single province of India for my purpose. The Presidency of Bombay

may be chosen. The area of England and Wales is, in round numbers, 58,000 square miles. That of the Bombay Presidency, excluding Baroda, Kathiawar, and other Native States, is over 124,000, or more than twice as great. The total force of police in England and Wales numbers 35,600, but that of Bombay is only 21,400, or less than two-thirds of the former. The difference is actually more remarkable than it appears at first sight. The 21,400 policemen of the Bombay Presidency include a large number of men employed on the guarding of a multitude of Government treasuries, the escort of Government treasure, the personal escort of officers, the guarding of jails, and of railway trains, stations, and goods-sheds, together with other quasi-military and miscellaneous duties, none of which are required of the police in England. The number of men employed on the primary duties of a police-force, viz. in the preservation of law and order, the investigation of crime, and execution of processes, who are denominated in the Government returns as employed on "station duties," is only 13,800, a number not much exceeding one-third of that employed in England and Wales, while it has to keep in order a country twice the size. To put the figures in another form, while in England—and, to save repetition, with England I include Wales—each policeman has an average of  $1\frac{1}{2}$  square miles of country to control, each man in Bombay has  $6\frac{1}{2}$  square miles.

There are other tests besides that of area. The population is not of course so thick in Bombay. But while there is 1 policeman in England for each 772 of the population, there is in Bombay, taking the whole of the police, 1 to 832, or taking those employed on "station duties," which affords the

true comparison, only 1 to each 1,360. While the total cost of the police in England slightly oversteps the large sum of £3,500,000, or £99 9s. per man per annum, the cost of the Bombay Police is only Rs.3,916,000, or, at 15 rupees to the pound, £261,066, at the average rate of little more than £12 per man per annum. Again, assuming that what is called "cognizable" crime in India approximately corresponds with "indictable" crime in England, the Bombay policeman has more crimes to investigate than his confrère at home. In 1885, for instance, the Bombay cases amounted in round numbers to 66,000 as compared with 44,000 odd in England. The arrests in Bombay numbered 43,000 against the English 19,200; in both cases rather more than half the persons arrested being ultimately convicted. In all these comparisons we must not forget that not more than half of the Bombay force have sufficient education to be able to write a simple report of a crime, while a considerable proportion cannot even sign their names.

India is divided into 235 zillahs, or districts,\* which more or less correspond with the English county. These districts vary immensely in area and population. Their average area is 3,340 square miles. Karachi in Sind consisted until a few years ago of 14,115 square miles. It has now been reduced from the size of Switzerland to that of Belgium. One of the smallest districts is that of Lucknow, with only 989 square miles. The average population of a district is 800,723. The most populous is Mymensingh in Eastern Bengal, with no less than 3,051,916 souls. Nimer in the Central Provinces has, on the other hand, a population of only 331,341.

\* Hunter's *Indian Empire*.



In Chapter VII, I gave a brief sketch of the administration of a district. This I will now in some degree elaborate. A group of districts, generally six in number, is known as a Division, and is under the general authority of a Commissioner. The Northern Division of the Bombay Presidency consists of the following districts: Ahmedabad, Panch Mahals, Kaira, Broach, Surat, and Thana. Thana is the district of which I last had charge as District Superintendent of Police, in 1904 and 1905, before I became Deputy Inspector-General; so I will take this district as a sample of the unit of administration.

Thana is not a very large district. It consists of 3,573 square miles. The population is 811,433. It contains 7 towns and 1,626 villages. There are 301 schools, of which 48 are private, and the remainder Government. The number of people able to read and write is only 43,108, or 5·2 per cent. The population comprises a large number of aboriginal or backward tribes—for instance, Kathkari, Waghri, and Kolis, who for the most part live in the forests. The district is divided into nine talookas, or petty divisions. It may be interesting to give their names and area.

| Talooka. |    |    |    |    | Square miles. |
|----------|----|----|----|----|---------------|
| Dahanoo  | .. | .. | .. | .. | 644           |
| Mahim    | .. | .. | .. | .. | 409           |
| Wada     | .. | .. | .. | .. | 566           |
| Shahpur  | .. | .. | .. | .. | 610           |
| Bassein  | .. | .. | .. | .. | 223           |
| Bhiwandi | .. | .. | .. | .. | 249           |
| Kalyan   | .. | .. | .. | .. | 276           |
| Murbad   | .. | .. | .. | .. | 350           |
| Salsette | .. | .. | .. | .. | 246           |

An aggregate of three of these talookas forms a



ZITI SAHIB, ZITI MEM SAHIB, AND ORDIBETIS (LIFANA)





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“subdivision,” and constitutes the administrative charge of an assistant, or a deputy collector, who is also subdivisional magistrate.

The strength of the police in 1906 was very inadequate to the requirements of the district, and it was often difficult to get the work done, Thana being notoriously a criminal area. The force consisted of:

- 1 District Superintendent,
- 1 Assistant Superintendent,
- 2 Inspectors,
- 12 Sub-Inspectors,
- 152 Head-Constables.
- 610 Constables.

One of the sub-inspectors\* was in charge of the Headquarters Reserve at Thana. He was responsible for drill, discipline, musketry, stores, and so on; and had nothing to do with law or investigation of crime. There were 14 police-stations, of which 11 were in charge of sub-inspectors, and 3 in charge of senior head-constables. Besides the police-stations there were about 60 outposts.

The chief executive civil officer of the district was the collector and district magistrate. His position is thus defined by Sir William Hunter in his *Indian Empire*:

“His main functions are twofold. He is a fiscal officer, charged with the collection of the revenue from the land and other sources. As district magistrate he is a magistrate both of first instances and in appeal. But his title by no means exhausts his multifarious duties. He does in his smaller sphere all that the Home Secretary superintends in England, and a great deal more, for he is the representative of a paternal and not of a constitutional Government.

\* Until recently Sub-Inspectors were called Chief Constables.

Police, jails, education, municipalities, roads, sanitation, dispensaries, the local taxation, and the Imperial revenues of his district, are to him matters of daily concern. He is expected to make himself acquainted with every phase of the social life of the natives, and with each natural aspect of the country—famine and remission of revenue. He should be a lawyer, an accountant, a surveyor, and a ready writer of State papers. He ought also to possess no mean knowledge of agriculture, political economy, and engineering.”

While the district magistrate is technically the head of the police, the multiplicity of duties which he has to discharge is so considerable that his connection with the police cannot be very intimate. He is an appellate authority in the case of departmental punishments ordered by the district superintendent, and he is consulted in the appointment of police-inspectors and sub-inspectors, and all important administrative questions. The commissioner of the division exercises certain authority in general matters over both the collector-magistrate and the district superintendent of police, and is referred to in case of any difference of opinion between them. This is very seldom necessary. No police post or station can be permanently strengthened, reduced, or abolished, and no new station or outpost permanently established, without the approval of the district magistrate and the commissioner. The Inspector-General of Police, who visits each district every year, directs his attention to the internal economy and efficient working of the police-force, and to the registration of crime. Armament, clothing, musketry, and the annual crime returns are specially in his sphere of duty. It comes to this—that, subject to certain checks, appeals, and super-

vision, the officer actually and really responsible for the working of the force is the district superintendent of police. To him every man in the force looks for reward, punishment, promotion, transfer, leave, and everything that concerns himself, his work, and his interests.

With very few exceptions the district superintendent, and his assistant, when he has one, are Englishmen. Except in a few large towns and cantonments, where there may be some European inspectors and sergeants, the whole of the rest of the force is recruited from natives of India. The efficiency of the police in every district depends upon the district superintendent. Besides seeing that the administration of the law is properly carried out, he has to supervise the internal economy of his corps in no less a degree than the commanding officer of a regiment. The recruiting of the men, their training both in law and in drill and musketry, their general education in the police-school at headquarters, the regular monthly payment of their salaries, the careful registration of each man's services in view of his ultimate pension, the duties of orderly-room, the patient hearing of complaints and redressing of grievances of the men (all this, of course, in the vernacular of the district), the deciding their endless conflicting claims to promotion, the providing them with uniform and accoutrements, the seeing that the rank and file are smart and clean, the general maintenance of discipline—all these, and a vast number of other duties, have to be done before he can begin to think of the responsibilities of the police to the public. In connection with all this he has to keep up a whole series of registers and accounts, let alone a large amount of correspondence. There is also the con-

struction and yearly repair of buildings. On this account, as well as for stores and clothing, a considerable amount of money passes through his hands, all of which has scrupulously to be accounted for.

During the rainy season, from the beginning of June to the end of October, unless some serious crime is committed, the superintendent remains at his headquarters station, and gives his special attention to the drill and training of his reserve, and general questions of administration. By the beginning of November, when the dry season has fairly set in, he moves into camp, and wanders about from place to place, inspecting police stations and outposts, and inquiring into the grievances and circumstances of the people, till the rains drive him into the station at the end of the following May. This, at all events, is the system in the Bombay Presidency. In Bengal the superintendent goes out for a proportion of each month throughout the year, instead of remaining out for many months at a time. Besides the duties of inspection, whenever there is a murder, dacoity, or other serious crime, the superintendent must hurry off, no matter how great the distance may be, to investigate it personally, unless the crime has been at once detected and the guilty person arrested. Altogether the duties of a district superintendent of police are very laborious and responsible. They require no inconsiderable amount of skilled knowledge, and they entail unwearied exertion. A good officer can get excellent work out of his native subordinates; but, should he be negligent or weak, the whole working of the district will become slipshod and inefficient.

An assistant superintendent is often a very young officer, who is chiefly employed in learning his work. He is naturally not of very great use until he has

acquired a knowledge of the language, and a certain amount of experience. On the other hand the teaching him his duties is an additional responsibility on his superintendent. During my time at Thana I was fortunate in having as my assistant an officer some years older than most assistants, who, together with considerable experience, possessed in one direction, and that a most important one, exceptional ability. The language of the district was Mahratti, and Mr. Priestley could talk it like a native, being specially familiar with the patois spoken by the forest tribes. He had been employed several times on special duty in breaking up gangs of dacoits and following up members of the gangs, and his experience was very useful while I was in charge of Thana. He would sit on the mud floor of a hut all day long conversing with Kathkaris and other aboriginal tribesmen, worming himself into their confidence, and gradually obtaining the information that he required. An assistant of some experience and seniority is given charge of the police in some of the talookas, but powers of punishment, transfer, and so on, are not delegated to him. However, a capable assistant does not often remain long in that capacity. He soon gets a district of his own.

Inspectors are mainly employed in seeing to the proper performance of their duties by all ranks of the police within their charge. They have no special powers of control over the officers and men who are under them. They have to report any dereliction of duty to their superintendent. They visit stations and outposts as frequently as possible, see that the men are present, and clothing, arms, etc., in good order. For the investigation of crime the sub-inspector of the talooka is responsible ; but in case



of any serious crime the inspector proceeds to the spot, and gives the officer in charge of the police-station the benefit of his experience. In Thana my two inspectors were Mr. Abaji Sukharam Deshmookh and Mr. Nilkanth Soobhan Salvi. They knew English well, and were gentlemanly, well-conducted officers. They did a fair amount of inspection, according to their lights, and visited a number of scenes of crime. The results of their inspections and of their crime visitations were insignificant. I could have spared both officers without inconvenience. Their opinion on any subject was not worth taking. I am afraid that many inspectors were equally useful.

My headquarters sub-inspector was a Jew named Solomon Moses. He was not very energetic, and wanted a good deal of keeping up to the mark. But on the whole I got very fair work out of him. He was straightforward and honest, and one of the comparatively few natives who worked all the better for a little praise and encouragement. I always liked to give praise when it was deserved, but I am constrained to admit that I did not always find it politic to do so. A man was very ready to think that he had obtained the Sahib's favour, and that he need not continue to exert himself. Headquarters sub-inspectors are nearly always officers who have served in a native regiment, and have qualified for their first military pension. A man who comes from a regiment with a good reputation is far more likely to be successful in an appointment when the work is quasi-military, than one who has risen from the ranks in the police.

In Thana, out of the eleven sub-inspectors employed as officers in charge of police-stations, none could be described as bad. But there were only two of them

who rose above mediocrity. One of these was a Parsee named Naoroji Goostadji. He was in charge of the talooka of Salsette, in which is situated the town of Thana. Naoroji was a very able officer. He was a good disciplinarian, and a very fair detective, and what was better, and more unusual, he was clever at getting information that a crime was being planned, or a disturbance likely to occur. Preventive measures, such as security for good behaviour, could then be resorted to in good time. There is much trouble in many parts of India from Pathan hawkers and pedlars from Afghanistan. These gentry are eminently undesirable. They are frequently overbearing bullies who greatly harass the villagers. They like to sell cloth on credit, get the people into their debt, and then recover by force about twice what is due to them. Some of them indulge in theft and robbery when they find an opportunity. To such of these people as visited his charge, and there caused the least trouble, Naoroji was a terror. The word was passed round, and latterly, if any Pathan wolves in sheep's clothing came to the Salsette talooka, they behaved as the most innocent of sheep. I was able to promote Naoroji rapidly through the various sub-inspectors' grades, and later on I obtained for him the post of inspector in the Criminal Investigation Department at Poona.

The other really good sub-inspector was Narayan Daji, a Mahratta who was in charge of the Kalyan talooka. He had entered the police as a constable, and worked his way up by his own merit. He was somewhat deficient in strength of character, but he was honest, hard-working, and most anxious to give satisfaction. What I liked about him was his

attitude towards the people. It is common enough to find a native officer who is severe on the bad characters. It is less common to find one who will restrict his severity to those who need it, and be civil and polite to decently behaved people. There is far too much of the jack-in-office type. A little brief authority frequently upsets mental balance. Too many natives in the police seem inclined to think that they are not public servants, but public masters, in fact that the public exists for the police, and not the police for the public. Narayan Daji's views on these points were all that could be desired. Consequently he achieved what so many failed to do, and he had the population at large on his side instead of against him. His fault was that he would not observe Section 61 of the Criminal Procedure Code, and send persons whom he had arrested to the magistrate within the regulation twenty-four hours. After various warnings which were unheeded, I was reluctantly compelled to reduce him a grade for this disobedience of law. However, knowing him to be on the whole a good officer, I took an early opportunity of restoring him to his place on the seniority list. Apart from these two officers it cannot be said that the sub-inspectors were really efficient. They did their work in a way, but they could not be described as zealous or smart. Perhaps I expected too much.

The duties of a talooka sub-inspector are very comprehensive and onerous. He is responsible for the prevention and detection of crime, and for the discipline and behaviour of the police in his charge. He must investigate as many cases as possible himself, and see that his subordinates investigate the remainder satisfactorily. He has to collect informa-

tion of the current events within his talooka. He should have an intimate knowledge of the people round about him, more especially of the bad and suspected persons, and see that his men share his knowledge. In cases of grave crime he must be present when the accused is being tried in the magistrate's court. He has to periodically inspect the arms, clothing, etc., of all the police within his charge, and report any negligence, misbehaviour, or disobedience of orders, absence without leave, and sickness, amongst the members of the force. The greater part of the talooka police are stationed at his headquarters town, and consequently directly under his eye. But there are also some outposts—three, four, or five of these. Let us take the Kalyan talooka, the charge of our worthy friend Narayan Daji. Kalyan is the seat of the Mamlatdar, or local magistrate-collector. A Mamlatdar has generally magisterial powers of the second class. In his revenue capacity he is in charge of the talooka Government treasury, which may contain bullion and stamps to the value of fifty thousand rupees. Narayan Daji has under him three head-constables and nine constables of the armed police. Their weapons are cut-down Martinis. From this body of men, who have had semi-military training, a guard of one head-constable and four constables, who are relieved daily when practicable, is supplied for the protection of the treasury. One man at a time is on sentry-go at the door of the treasury, day and night, and the whole guard is present in uniform throughout the twenty-four hours. The remainder of the armed branch are constantly employed on escort of prisoners or treasure to and from Thana itself and other places. These men are as a rule totally uneducated,

and are enlisted for their physical strength. Next come the unarmed police, who are responsible for law and order and investigation within the limits of the police-station. There are two Jemadars, or senior head-constables, who hope some day to become sub-inspectors. One of these is generally employed as a prosecutor in the Mamlatdar's court. The other takes charge of the police-station when Narayan Daji goes out on duty ; or he may be sent out by Narayan Daji to inquire into a case, or to do some inspection. Then come two or three junior head-constables, known in the west of India as Havaldars and Naiks, or sergeants and corporals, and some fifteen constables. These are employed on watch and ward duty in the town, on serving summonses and warrants, and looking after bad characters in the villages directly subordinate to the police-station. Besides these, there are not infrequently a few Abkari or excise policemen, who have to prevent infringements of the liquor laws such as smuggling or distilling. These officers and men are not immaculate, and Narayan Daji has plenty to do to keep them in order and see that they do their work. In the towns these so-called unarmed police carry batons, but for duties in the villages and open country they are provided with swords.

Then there are the outposts. In the Kalyan talooka there are only three of these—Budlapur, Bapsai, and Dahisur. Each of these is rather more than twelve miles off, in different directions, and it so happens that there are good roads to all of them. The strength of an outpost is a junior head-constable and three or four constables. There are some thirty or forty villages under each of these outposts. Every village has to be visited by a constable at least twice a month, and by the head-constable once a month, for

the purpose of picking up information and supervising suspected characters and habitual criminals. Of course the occurrence of a serious crime involves the attendance of as many police as possible, and puts a stop temporarily to this systematic patrolling. These outpost police are under our friend Narayan Daji. He has to visit each of them from Kalyan once a month. He generally gives notice of his intended visit, otherwise he might find all except one man away patrolling. He has to examine them in their work, and instruct them in their duties. Occasionally he may pay a surprise visit. He is expected to vary his route and visit the villages away from the main road. The Patel, or village headman, keeps a police-visit book in which every patrolling officer notes his arrival and departure. This is a check on the patrol-book kept by head constables and constables, especially as regards the reporting of crime. The inquiries made by some policemen are often most superficial. Constable Ramchundra will note in his patrol book that he went to the village of Wurgaum on a certain date, and that no new offence had occurred since his last visit a fortnight ago; while as a matter of fact a house had been broken into and property stolen therefrom within the last few days. The first incident of this description brings down a serious warning on Ramchundra. A recurrence of such carelessness involves punishment—probably a reduction to a lower grade, with a fall of pay, or, if the constable is in the lowest grade, to the bottom of that grade.

Theoretically, at all events, these patrol books are most valuable. The officer is directed to enter information regarding the various duties and matters which he is expected to attend to, such as crime

within his beat, the presence or disappearance of bad characters or suspects, the movements of wandering gangs or criminal tribes, suspicious events, and interesting rumours. The practice differs *longo intervallo* from the theory. In too many cases there is the monotonous entry, "Visited the villages of Khairgaum, Patus, and Belgi, and found everything all right. There is no information to record." A frequent repetition of such entries shows that the patrolling officer has not taken the trouble to learn anything of what is going on, and is not earning his pay. On the contrary, the presence in a man's patrol book of interesting and useful bits of information shows that he is, in this respect at least, qualified for promotion. Where these patrolling officers almost invariably fail is in getting information of what is going to take place. It may be known to half the village of Lonikhund that the notorious bad character Balaji Naik is engaged in frequent conversations with the young bloods of the village, and that something is in the air, some plans, most probably for a dacoity, being eagerly discussed; but to the patrolling policeman this is all a sealed book. Not only does he fail to know the exact plan that is being worked up, but he is in total ignorance that any plan is under consideration. There seems too often to be a blank wall between the police and the public. The police signally fail to get into the confidence of the people. This may be due to the hereditary tradition from time immemorial that the police are the enemies and oppressors, and not the protectors, of the people at large. In the last few years, when seditious plots with murder by bombs and pistols have been too common, when large numbers of people have been implicated in them, when the nefarious schemes have

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been months in the hatching, so far as getting any information of them beforehand is concerned, there might as well have been no police in existence. I have known various European officers—for instance, my assistant at Thana, Mr. Priestley—who had the knack of getting more information out of the lower classes of natives than the whole of the native police of the district put together.

Nowadays no one is enlisted in the unarmed police who cannot read and write, but there are still a large number of illiterates of some years' service who have to get their patrol books written up for them by some obliging person as best they can.

How are all these police obtained, and how are they managed? These subjects must comprise a separate chapter, though not, I think, a long one. Before concluding this chapter I will add a little to what I have said above on the attitude of the police to the people. It is not the fault of us English if the native subordinate is harsh, overbearing, or ill-mannered. We are always trying to put a stop to that sort of thing, both by example and precept. In the Bombay Presidency every constable is provided with a little book called the *Police Catechism*, which comprises a brief summary of the more important laws and regulations. In this there is a series of questions and answers on the way in which the police are to treat the public; for instance, "How are you to reply when a person asks you the way to any place?" "I am to give him all the information in my power, and answer every inquiry civilly and politely." In the Bombay Presidency Police Act heavy punishments are laid down for searching a house without reasonable cause, for vexatiously and unnecessarily seizing property or detaining any



person, for offering personal violence to any person in police custody, or similar acts of oppression. Here is a section from the large volume of regulations known as the Bombay Police Manual: "The indiscriminate search of houses should be discouraged as much as possible. Frequently houses are searched on the mere assertion of the complainant that he suspects the owner, without any inquiry into the circumstances of the case or the grounds upon which the assertion has been made. By such procedure the feelings of respectable persons are wantonly outraged." Here is another rule in the same manual designed to prevent harshness: "Handcuffs should be imposed on unconvicted persons only when from the heinous nature of the crime or the character or behaviour of the accused a fair presumption arises that such restraint is necessary to prevent escape or violence. The matter is one which must be left to the discretion of the police, who will be held responsible for any abuse of their discretion."

A complainant will expect the police to search every house in his village on the chance of finding property which has been stolen. He will also expect them to beat all his "enemies" to make them confess. How often has it been said to me, "Sahib, the case cannot be detected unless you order the police to beat such and such persons. Then they will confess, and justice will be done." I used to reply, "If I were to have you beaten, in two minutes you would say that nothing had been stolen from you. What is the use of assertions induced by beating?"

## CHAPTER XIII

### RECRUITMENT AND MANAGEMENT OF THE FORCE

WHEN practicable, recruits for the unarmed branch of the police must be natives of the district in which they are required to serve. It is obvious that knowledge of the language, customs, and geography of the district is very essential for the efficient performance of police duties. Local recruitment is not, however, always possible. In the Thana District, for instance, nearly all the police came from Rutnagiri, a hundred and fifty miles down the coast, south of Bombay. Men of Thana seldom volunteer for police service. For one thing the district is close to Bombay, and more remunerative employment is available in the great cotton-mills of that city. For the armed branch of the service, knowledge of local circumstances, or even of the language, is much less necessary. In very many parts of India the armed police are natives of the United Provinces of Agra and Oudh. These men are known as Hindustanis or Purdeshis. They generally possess considerable physical strength, they are proverbially honest and faithful, but their brain-power is very limited. Hindustanis take service away from their homes in order to save money to retire upon. They seldom spend anything on drink, and they lead a quiet, abstemious life. They thus have little tempta-

tion to neglect their duty, and they are well fitted for guards and escorts. For the work of unarmed police such men are entirely unsuitable. They usually know nothing of the language of countries other than their own. They have no friends or interests among the people, and are useless for purposes of investigation. In the Bombay Presidency, the armed and unarmed branches of the police are worked practically as separate services. In Bengal and elsewhere the distinction is very much less. In this, as in other matters—the system of touring, for instance—every officer regards as best the arrangements which he finds in force in his own particular part of India.

No applicant for service in the police can be enlisted unless he is approved both by the district superintendent of police and by the civil surgeon of the district. The medical examination is very strict. Various regulations have also to be complied with. A recruit must generally be between eighteen and twenty-five years of age. Natives have the vaguest ideas of their age; and an officer must often be guided by their appearance rather than by their statements. In Bombay the standard height for the armed branch is 5 feet 6 inches, and for the unarmed 5 feet 4 inches, with corresponding chest measurement. It is very difficult to get enough men of the required standard, and I have often had to refuse employment to a really good man for want of an inch or so of height. The difficulty was greatest in the case of the unarmed police. Candidates for this branch had to be able to read and write, and education too often seemed a monopoly of weedy youths whose chest measurement was inches below the standard. I have had at times to enlist men



DARJEELING POLICE BAND



PRISONERS IN JAIL, PREPARING WOOL FOR CARPET-MAKING.



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who did not come up to the standard, rather than get no recruits at all, and leave the entry in their service sheets blank for a few months. It was wonderful to see how, with a course of drill and gymnasium, their chests expanded and their limbs developed; and after a reasonable interval I was generally able to fill up the entry with figures that would satisfy the Inspector-General when he came on tour.

Applicants for recruitment used to turn up at any time and place; and if they came from a distance they had to be seen to at once, at whatever cost of interruption to other work. Otherwise they would change their minds and disappear. If the aspirants belonged to the neighbourhood, they were told to attend at the next orderly-room. I used to hold orderly-room on Monday mornings, after parade. Any person who had a grievance or complaint was always seen by me at any time that he chose to present himself. It is a great thing to the native of India that the Sahib should be easily accessible; and I made a particular point of being so. But at the same time I let it be understood that if the matter was not urgent I preferred to see people who had anything to say at my orderly-room. This used soon to become known, and they always used to speak of my orderly-room as the commanding Sahib's durbar.

Parade of the armed police used as a rule to last an hour in the morning. It consisted of company drill, bayonet exercise, physical drill, skirmishing, and so on, varied with occasional sham fights in the jungle. In most districts in which I have served, the drill was very smart—that is to say of the armed police, and of the mounted police if there were any. The unarmed police were taught enough drill to

give them an upright manly bearing. They could march in fours ; but no more was expected from them. On orderly-room days I generally cut short the parade, as I had before me a task that might last two or three hours. Unless the weather prevented it I used to have my table, and chairs for visitors, arranged under a tree, or in an open verandah. The first thing was to interview any zemindars or other gentlemen, in fact any one who had anything to say. Many came just for the sake of coming. Or it was to express a hope that their nephew or cousin in the police might soon have promotion. Sometimes there was a trivial complaint of incivility against a constable. This part of the morning's work concluded, I gave my visitors permission to depart, if they wished to do so. If they liked to stay on and see how I conducted my business they were welcome to remain.

My next proceeding was to inspect all applicants for service. There were perhaps half a dozen for the armed branch. These were placed in a row by themselves, their height and chest measured, and their approximate age ascertained. Two are hopelessly below the standard. One is obviously at least thirty years of age. These are promptly dispensed with. The remaining three are promising youths, who fulfil the physical requirements. Then comes the question of references to character. One is a cousin of the head-constable who is present, and answers all questions satisfactorily. Another brings a written statement, signed by the Mamlatdar and by the sub-inspector of the talooka in which he lives, that he is of exemplary character. This is of course accepted. The third has no proofs to offer, but says that if inquiry is made in his village in Rutnagiri,

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people will speak well of him. His address is taken down, and a reference sent by post to the sub-inspector of the police-station in whose limits his village is situated. Meanwhile he is told that he may stay in my police lines and learn drill, pending the result of the reference. The report is probably satisfactory, But I have known replies which state that the applicant has just come out of jail!

Next come the applicants for the unarmed branch. These are they who are to investigate, and possibly detect offences, be guardians of the peace, and representatives of law and order. The material is not very promising. Out of fifteen present, five are turned away after the most brief examination as entirely unfit. Three more are too young and immature. They are told to work up their muscles and present themselves again in six months' time. This leaves seven to be dealt with. The measurements of five correspond with the requirements of the service. Two are below the mark, but not by very much. They look the right stamp, and they will probably fill out. Now about the educational qualifications of these seven. Each is given a simple report of a crime to read. They are not hurried, and are allowed to take their time. Alas! two of the superior five stammer and stutter, and cannot read a line of the report. They are told to go back to school, and come again when they are better qualified. The probability is that they will go straight to a cotton-mill, or some other source of employment in which no education is required. The remaining candidates can read and write fairly well, and their references as to character are all that is desired.

I have now two applicants for the armed branch, and five for the unarmed, who are approved by me.



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Their names, descriptions, and references are recorded in the recruit register, and they are sent off to the civil surgeon for medical examination. Their names and measurements are entered in a printed form for the doctor's information, and a senior head-constable conducts them to the civil hospital. The two stalwarts are passed for the armed branch; but of the five others, two are rejected as unfit. This leaves me with five approved candidates in all, out of twenty-one applicants. Sometimes the result is better, sometimes worse. The above represents a fair average. It will be seen that great care is exercised in the enlistment of police.

A service register is now prepared for each accepted recruit. This shows his name, father's name, caste, residence, age, and measurements, degree of education, with columns to be filled up as time goes on with entries of promotion, reward, punishment, leave, and general remarks. The thumb impression is taken on this form for purposes of identification. The education and training of all recruits may take several months. All go through some degree of drill and gymnasium, though considerably less in the case of the unarmed man. More attention is given to the instruction of these in laws and regulations, in practical work, and in writing up diaries and reports of crimes. All recruits are given uniform, with a tin box in which to keep it, together with a set of brushes wherewith to clean their clothing and foot-gear. When considered fit for duty, they are posted to some of the larger police-stations. A man is not sent to an outpost until he has at least a year's experience. Such is the way in which, as a general rule, our police are obtained. Occasionally a man with exceptional qualifications is enlisted as

a head-constable, or even as a sub-inspector, though hitherto these officers have for the most part risen from the ranks. Recently, as the result of Lord Curzon's Police Commission, the rising from the ranks has, except in the case of a small percentage, become a thing of the past. Applicants for sub-inspectorships must now be undergraduates of a university. They are selected by the Inspector-General of Police, and trained in each province at a central police training-school. The success of this experiment has hardly yet been ascertained. There is one grave objection to it. Very few Mahometans pass the university matriculation; and we thus lose a number of men who would become valuable officers.

But I must return to my orderly-room, the multifarious duties of which are by no means complete. Here are half a dozen constables who are brought up for punishment, sleeping on duty, disobedience of orders, absence without leave, and so on. I go carefully into the circumstances of each charge, examine the defaulter's service register to see if his record is good or bad, take his explanation, and make such inquiries as seem to me necessary. Everything in connection with all this has to be written down in the orderly-room register. In some cases I consider the charge disproved. In some I administer a warning, which is of course recorded. In others an hour's extra drill, cross-armed, for a week, meets the circumstances. But here is Balaji Govind, a constable of the second class. He is a familiar figure at orderly-room. His register is full of entries of warnings, extra drills, and of fines. He has for the third time been found asleep when on sentry-go over the collector's treasury at night. He denies the

charge, but there is full evidence that it is true. I pass an order reducing him to the third grade. By this he loses a rupee a month in pay. I am very sorry, but discipline has to be enforced. Now I have something pleasanter to deal with. Constable Ali Nawaz, a smart young man of two years' service, is brought to my notice for having saved the life of a woman who was nearly drowned on the previous day. I give him "Shahbash" and promote him to the place in the second class of constables just vacated by Balaji Govind.

I next consider applications for leave. I have the men who want long leave and those who want short leave drawn up in two separate rows. There are always more men who want leave than it is possible to give it to. I first consider the aspirants for short leave. I am tired of sitting down at my table and writing, so I get up and walk along the dozen or more men who want leave for a few days only. I ask each a few questions. Half the number have no reason at all to give for their request. They have apparently come up just for the sake of a little variety in their daily routine. I get rid of these at once. The requests of the remainder seem reasonable. I return to my table, have these men before me, and write down "Casual leave sanctioned for a week," or "two or three days," as the case may be. That does not take long. Then there are seven or eight men who want leave for two or three months. I cannot give it just at present to more than four of them, and the conflicting claims have to be most carefully considered. One man wishes to be married himself, one to arrange for his son's marriage, one to rebuild his house which has fallen into disrepair, one to carry on a lawsuit about a piece of land, and another to

see his aged parents. I do my best to satisfy as many as I can, with a due regard to the performance of duties. I soothe the disappointed applicants by promising them leave as soon as possible. "Will the Sahib kindly make a note of the promise?" So I write it down in the book that "Head-Constable Balaram is to have leave within two months"; and Balaram goes away with a light heart. By this time I am rather weary. I am left alone with the head-quarters sub-inspector and a clerk or two, and I think I may treat myself to a cigarette and a few minutes conversation on things in general. After this brief interval, my register being left unclosed on the table, I walk round the lines, note-book in hand, see that the lines are clean, look in at the school, visit the store-rooms, inspect a few of the reserve carbines and other articles to see that they are properly cared for, watch the durzies or tailors who are busily stitching at warm uniform to be issued for the coming cold weather, supervise some repairs to the Persian wheel by which the men draw their water from the well, and finish up with a few minutes in the police garden, where the police in their spare time can grow fruit and vegetables. Then I go back to my table, and enter in the register any notes which I have made in my perambulation, and sign and date the proceedings. If it is not too late I ride through the town, looking after the men on watch and ward duty, and then return to my bungalow for bath and breakfast. After that my crime registers and miscellaneous correspondence keep me busy for the remainder of the day.

Owing to the vast area of the districts it is inevitable that many cases in which the police are charged with misconduct must be decided by the

district superintendent by correspondence, without the defaulter being brought before him. The sub-inspector of the talooka submits a report against one of his subordinates, together with statements of the witnesses. The defaulter's own statement has to be taken in full ; and, if he desires it, he may name witnesses for his defence, whose statements have to be taken in detail, and attached to the record. Upon these documents the district superintendent "holds proceedings," recording a précis of the evidence, for and against, on a printed form. If he holds the charge proved, he records the reasons for his opinion, and also explains why the particular punishment awarded is given in preference to any other. This applies to offences for which reduction, fine, or extra drill would be suitable punishments. In cases which involve dismissal, the defaulter has a right to be called up before the superintendent to say anything that he likes in his defence. The rules on the subject of dismissals are very elaborate. Here is a short excerpt from the Bombay Manual :

"The first principles of justice require that the accused person should be brought before the inquiring officer in person. He should be told not only of the charge against him, but also of the evidence and arguments in support of the charge before he is required to defend himself. All evidence should be noted and explained to the person charged. No subordinate should be dismissed except on grounds capable of being stated. The decision should be based solely on the evidence. When a compromising suspicion is in itself a sufficient reason for removing from the service of Government, this should be honestly stated ; and there should be no pretence of proof when there is only suspicion. The subordinate

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in such a case may be allowed to resign. The previous character of the accused should always be considered. When persons are appointed to permanent situations in any department they should not be dismissed upon light grounds. Fraud and dishonesty, continued and wilful negligence, and all offences involving moral disgrace, meet with their appropriate punishment in dismissal; and in every case in which that punishment is inflicted upon just grounds, the individual should be considered to be permanently excluded from Government employ.” I often found it convenient, when a charge was brought against an officer at a police-station which I was likely to visit soon in the course of my tour of inspection, to let the inquiry stand over until I reached the locality, and could see the witnesses personally. In a heinous case it was necessary to proceed without delay to the place where the defaulter was stationed.

The tour of inspection is the chief means of ascertaining if the police are doing their work with thoroughness and efficiency, and at the same time without harassing the people. During this tour I seldom stayed for less than a week at each police-station, and often a good deal longer. Some of the outposts I visited from the police-station; at others I camped for a few days. The records which have to be kept at a police-station are so numerous and voluminous that I could not go through them all personally. They are maintained in the vernacular of the district. I used to put a couple of clerks on to examine them all, and make notes of all irregularities, and read these out to me for my orders. Putting aside these records, I will give a brief sketch of my inspections of a police-station and an outpost respectively. The police-station may be that of

Kalyan, and the outpost that of Budlapur, which I referred to in my last chapter.

At a very early hour in the morning everything is ready for the Sahib's inspection—as a general rule, that is to say. On a very few occasions I remember arriving at the “thana,” as a police-station is termed in the vernacular, and finding everything in confusion and nothing ready. Such a thing was only possible with a very inferior sub-inspector. There is no fear of this contingency with our friend Narayan Daji at Kalyan. As I ride up to where the police are standing at attention, Narayan Daji gives the word of command to the armed police to present arms, while he salutes me with his sword. I return the salute. He then reports the number of men of all ranks who are present. I dismount from my horse, and walk slowly along the ranks, seeing that the men are smart and clean. Woe to the man whose untidy underlinen is protruding from the sleeves of his tunic! I direct three or four men of the armed branch chosen at haphazard to port arms, and I look through the barrels of their carbines to see that they are not rusty or neglected. The men are then put through their drill. The same degree of smartness that exists at the headquarters station of the district cannot be expected at a talooka police-station, where the work is so heavy that it is difficult to get more than a few men together at a time for drilling. However, the armed police are fairly good, and the unarmed just pass muster. The armed police have to be put through a course of musketry; but that will take a morning by itself. My next proceeding is to inspect all the clothing. The men's tin boxes have been placed in a line at one extremity of the parade-ground in readiness for my coming. The

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uniform of each man has been spread out in front of his box. Each has a small carpet ; and upon this are arranged, in mathematical precision, greatcoat, spare puggrees, winter and summer coats, trousers (or "pantaloons," as the men call them), footgear (which in some districts is boots, in others sandals or shoes), with brushes, soap, and tins of blacking. I order all the men to unroll their great-coats and hold them up for my inspection. I walk along and see if they are in good condition or not. I repeat the process with other items of uniform. If a man has spoilt any article of kit by his own carelessness, a new one is supplied to him at his own expense. A clerk is in attendance while I am thus engaged, to make notes of any orders that I may give about the clothing. I hope that these details may not be uninteresting. They form, it is true, but a trivial part of the police organization and administration ; but they are details that cannot be neglected. A man who turns himself out smartly and takes a pride in his appearance is more likely to be an efficient and useful officer than a careless man who does not mind what he looks like.

The next part of my programme is far more important. I direct the "budmashes," or bad characters under police supervision, to be brought up. They have been summoned from the surrounding villages for the Sahib's annual inspection. They are placed in a row ; and a curious lot of nondescripts they are to look at. Some are burly ruffians, others ordinary cultivators in appearance, some, it would be thought, respectable shopkeepers or artisans. There are nearly thirty of them altogether. I now call up, one by one, each head-constable and constable of the unarmed police. The armed police have



nothing to do with this. Narayan Daji stands by me. He knows all these people well; but he has the bad-character register in his hand to refer to if necessary. I examine all the unarmed police in turn in their knowledge of the suspects, asking what are their names, where they live, when they were convicted, of what offence they were guilty, how they make their living now, and what character they bear. Too frequently I have met with the most appalling ignorance on the part of the police. Some cannot even name a single budmash. Others have at the eleventh hour tried to get some facts and circumstances into their heads, but they put the saddle on the wrong horse, and tell me that a forger is a dacoit. In such circumstances I reduce, or otherwise heavily punish, the sub-inspector; for he is responsible that his men do their duty and are acquainted with the bad characters in their respective charges. But there is no fear of anything of the sort with Narayan Daji. The answers are correct and promptly given, and what may be a tedious task is soon over. My procedure with regard to the budmashes themselves will come into another chapter. I am now dealing with the police.

All this time I have been on my feet, and I am not sorry that the time has come for me to continue my work sitting down. A table and a few chairs have been placed in the verandah, or in some shady place. I direct the sub-inspector to sit down beside me—also the inspector if he is present. Very often at this stage of the proceedings the Mamlatdar steps out of his office to pay his respects, and I of course offer him a chair. He will come to my camp later on to talk over confidentially the circumstances of the talooka and the working of the police. I may

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here remark parenthetically that it is not from officials only that I get my information. I make a point of being in touch with as many landholders, merchants, and in fact natives of all classes as is possible. My business now is to weigh in the balance the work of each individual policeman for the past year or so. Each man has at the same time an opportunity of making personally any application or complaint that he may wish to. In the case of the armed police this is a simple process. An entry in each man's register that he is attentive to his duty and gives satisfaction, or the reverse, as the case may be, is generally sufficient. I may also make a note in my private memorandum-book, that certain men have been too long away from headquarters, and should be relieved at an early date.

To examine the work of the unarmed police takes much more time. These men are now drawn up in front of me as I sit at my table. I take my English crime register and read out the complainants' names in the more important cases. I then ask who was employed in the investigation. The men who were so employed are then asked to relate the circumstances of the cases for me. This is to test their knowledge and intelligence. It is not for my information, though occasionally I may chance upon some fact that is new to me ; for the diaries of all these cases have been read out to me for my orders as the cases occurred. Next I examine each man in his knowledge of law. I only ask simple questions which ought to be within the range of the most ordinary intelligence. They have all their little volume entitled *Police Catechism*, on law, regulations, elementary procedure, and duties, especially beat duties. Each man, too, is asked to read out

to me some passages from his patrol book, the selection being left to him. With all these tests, if I am not in a position to form a correct estimate of each man's capabilities, it must, I think, be my fault. Narayan Daji tells me about the behaviour of each of his subordinates. I can now enter my opinion in the service register. Here are specimens of my remarks :

"Constable Rama Raoji.—Has worked well. Has a thorough knowledge of budmashes and crimes that have occurred. Character good. Fit for early promotion to head-constable, but warned to improve himself in law."

"Constable Ismail Jaffer. — Useless and idle. Knows nothing, and can only be employed in serving summonses. Warned that he will be reduced unless he improves."

Here are a few remarks recorded from time to time by other officers in the register of Head-Constable Sheikh Abdul Karim of the Poona District :

"Smart to look at and to talk to. Seems intelligent, but requires to be carefully looked after."

"Can do very good work when put to it, and looked after and encouraged."

"Talks too much to be fairly good. Has done, and no doubt can do, good work; but not to be trusted."

"Warned for evading orders regarding living in the lines in Poona City."

"Well up in law and procedure, but inclined to be troublesome."

I have a good many more days' work at Kalyan. The number of registers that have to be inspected is stupendous. Later on I will give some description of them. Apart from minute details of adminis-

tration, the state of criminality of the talooka has to be carefully gone into. The success or failure of the police must be considered. Is the amount of undetected crime excessive? If so, why? and what remedy is to be applied? Is new blood wanted in the local personnel? Has Chapter VIII of the Criminal Procedure Code, with its various provisions for security for good behaviour, been properly worked? I never liked to attach too much importance to percentages of cases convicted to cases reported, and so on; but still some sort of annual stock-taking has to be done.

Meanwhile I will inspect the outpost of Budlapur. This is at the extremity of my district in one direction, and so not on the road to anywhere else. I must therefore return to Kalyan after my visit. I send on ahead a bullock-cart with an eighty-pound tent, and a servant, with arrangements for bed and food. In the course of the afternoon I ride off, going into any villages which are reasonably near my line of route, and having a chat with the patel or some of the villagers. On arrival at Budlapur I have a cup of tea in my tiny tent after my twelve miles' ride, and then walk to the police-post for business. This is a replica on a smaller scale of my work at Kalyan. The budmashes are present in fairly large numbers, and their fate has to be considered. There is this addition at Budlapur to the arrangements at Kalyan, that here the question of the village police comes in. The patel, very civil and obsequious, and probably entirely useless, is present with his nondescript myrmidons; and I must at all events go through the form of trying to ascertain what they have been doing on behalf of the Sirkar. By about seven or half-past I have completed every possible inquiry

about the state of crime and the working of the police. I have probably made notes that the head-constable and two of his men have been here much too long, have become slack, and must be transferred. The next morning I inspect the uniform, handcuffs, and other "dead stock," the state of repair of the building, and then ride back into my camp at Kalyan.

By these inspections a very full knowledge of the police, the people, and the circumstances of the district can be obtained. Over and above all this there is the necessity imposed upon the district superintendent of police to personally investigate murders, dacoities, and other heinous crimes. Here is an extract from the Bombay Manual on this subject : " By associating himself closely with the subordinate police in their inquiries, and by throwing himself into the work of really and personally investigating and supervising the investigation of as many cases, serious and otherwise, as possible, a superintendent and assistant superintendent of police can do much to improve the tone, morale, and efficiency of the force, and to encourage and control them. And there is no better way of acquiring useful information about all that a police-officer should know in his charge, or of getting to know his men."

Latterly during my peregrinations one point of grave importance came prominently to my notice. Vernacular newspapers, for the most part published at Poona, full of the vilest abuse of the Government, were being widely circulated. When the most blatant and inflammatory articles are read out to a crowd of ignorant peasants under the village pipal-tree after the day's work is over, is it wonderful if Rama says to Govind, " Is this all true ? " and Govind replies,



CONSTABLES, HYDERABAD,  
SIND.

POLICE OFFICERS IN SIND.  
p. 160]

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“It is set in print ; how can it but be true ? ” I of course reported these circumstances to superior authority.

In my next chapter I will consider some of the good points and some of the bad points of the police, and the popular estimate of the force.



## CHAPTER XIV

### THE CHARACTER OF THE POLICE

“ ‘WHAT is truth ? ’ said jesting Pilate, and would not stay for an answer.” So the great Francis Bacon opens his book of *Essays*. “ A mixture of a lie,” he continues, “ doth ever add pleasure.” David said in his haste that all men are liars. Had his work been the investigation of criminal cases in India he might have said it at leisure. The Persian proverb runs, “ Never tell a lie when the truth will serve your purpose equally well.” If only that proverb were reduced to practice in India, what a world of trouble would be saved !

What is one to believe in India ? The legal maxim *Falsum in uno, falsum in omnibus* cannot be applied. If because a witness is false in one thing he must be considered false in all that he says, no case whatever would be proved in any court. A witness may not necessarily intend to say the thing which is not. Very possibly he is incapable of appreciating any distinction between what he has seen with his own eyes, or heard with his own ears, and what he has learnt from other people. He may be truthfully reporting what he believes to have occurred, and what he thinks the judge ought to be told, although he has no personal knowledge of the circumstances. Or when he has related a connected narrative of

some occurrence that he has witnessed, he may be asked questions to which he does not know the answers. But he is reluctant to admit his ignorance, and at once launches out into a series of imaginative details which he thinks will help his case. Needless to say, in circumstances such as these, he utterly breaks down upon cross-examination. The not unnatural conclusion is that the whole of his evidence is false. But this conclusion is very probably wrong. An experienced judge or magistrate knows how to weigh the truth and the falsehood. While discarding the latter, he is enabled to decide the case by means of such elements of truth as the statements may contain.

The fact, however, remains that, for one reason or another, whether it be, as Bacon puts it, that the mixture of a lie adds pleasure, or for the accident of a "moral lisp," and the inability to differentiate between truth and falsehood that undoubtedly exists in many Orientals, there is hardly a case tried in a court in India which is free from concocted evidence.

The police in India are of the people. With whatever care they are selected, whatever training they may be given, it is impossible to suppose that they can be free from their national *traits*, inclinations, and weaknesses. That they are generally credited with having developed these natural gifts into a fine art, is, alas! an incontrovertible fact. Any judge or magistrate will admit that in Indian courts of justice the class of people whose evidence is looked upon with the greatest suspicion is the police. Before considering the case against the force I will give a few examples of the Eastern crookedness and disregard of the truth which are proverbial among the people in general.

The Oriental is quite convinced that it is always legitimate for any individual to provide a substitute for the discharge of his obligations. In China a criminal condemned to execution is at liberty to get some one to take his place, and the requirements of the law are satisfied with the vicarious punishment. In the earlier days of our administration in India, if a prisoner in a jail wished to go out, perhaps to have his own marriage ceremony performed, he arranged with the jailer to accept in his place, for the time being, one of his friends or relations. A servant in India wants ten days' leave. Without any preliminary request or notice he brings forward and introduces to his master the "budli" whom he has provided to do his work, and notifies his intention of paying a visit to his native place. In countries where Chinese are employed as domestic servants, this little formality is omitted. To Europeans one Chinaman looks exactly like another. One day the master finds that his body-servant, who has been invaluable to him, has suddenly forgotten where each and every article of his toilet is kept. It gradually dawns upon him that Ah Sing has gone off on a holiday, and left Wun Lye in his place.

Under Mahometan law in India this principle was actually extended to the right of giving evidence by proxy in the law-courts. When the chief witness had died, or was absent on a three days' journey, and in some other contingencies, a substitute was permitted to detail facts or opinions on his behalf. Is it wonderful that, although the law has changed, the tradition survives? In Khandesh, in 1837, a witness in a case of highway robbery deposed that his name was Kalliah Bin Dowji, and that on a certain date he had followed up the footprints of two robbers.

During cross-examination he was asked some questions which he had not come prepared to answer. He then admitted that his name was not Kalliah Bin Dowji, and that he was not present when the robbers were traced. His real name was Luxiah Bin Boodiah, and he was, at the request of his friend Kalliah, who was sick and unable to appear, acting as substitute for him. He insisted that all the facts were perfectly true, and known to the whole village; and though he was not himself an eye-witness he felt perfectly justified in informing the Court of the circumstances that had occurred. He could not see that he had done anything wrong. His defence was so *naïve* that one feels almost sorry to hear that he was sentenced to a year's imprisonment and twenty-five stripes. In the above case the evidence, though retailed at second hand was, so far as the circumstances deposed to were concerned, perfectly true. A personated witness is not, however, generally distinguished for veracity. Here is an example of the contrary in one of the non-cognizable cases that the police are sometimes ordered by the magistrates to investigate.

In the Agra District, in 1908, a woman named Musummut Janki complained to the magistrate that by some means unknown to herself one Soonder Lal, a moneylender, to whom she owed nothing at all, but who had for some time threatened to do her some injury, had instituted a case against her in the Court of the Subordinate Judge of Muttra, and obtained a decree for two hundred and fifty rupees. The magistrate made inquiries, and ascertained that on the record of the subordinate judge there was a statement by Musummut Janki herself, in which she fully admitted that the sum claimed by the money-

lender was actually due from her. This seemed to entirely disprove the complaint. The good lady, however, reiterated her assertion to the magistrate that she had never in her life been indebted to Soonder Lal, and insisted that she had never made the statement recorded in her name. The case was then handed over to the police. They investigated the circumstances, and after some little time discovered that while the subordinate judge had acted in perfect good faith in, as he thought, recording Janki's statement, yet that lady had never been near his court! Soonder Lal had induced a friend of his named Musummut Mungo, to personate Janki, and admit that she was in the books of Soonder Lal to the amount of two hundred and fifty rupees. Thus Janki triumphed. Musummut Mungo was sentenced to a heavy punishment under Section 205 of the Penal Code, "False personation for the purpose of any proceeding in a suit," and Soonder Lal for abetment by instigation.

Mr. J. D. B. Gribble, of the Madras Civil Service (retired), whose *Medical Jurisprudence* contains various instructive cases, gives the following illustration of the way in which evidence that is totally false may be manufactured, and applied to facts that have actually occurred. The Pariahs or outcastes of Madras are divided into two mutually hostile sects known as Madigas and Malas, those terms having the curious meanings of left- and right-hand castes. A merchant was passing through a village with a number of bandies, or bullock-carts, laden with timber for sale. For some reason best known to themselves a party of Madigas took it into their heads to dance the "sword-dance" in front of the bandies. The performance of this dance always excites the indigna-

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tion of the Malas. On this occasion the sword-dance led to a free fight between the gentlemen of the right- and left-hand persuasions, and one of the Malas was so severely injured that he subsequently died. Both parties, being frightened at the result of their *fracas*, agreed to put the responsibility for the occurrence on the merchant, who was reclining in one of the bandies. As a fact, though this was not known to the guilty persons when they entered upon their conspiracy, the merchant was so ill at the time that he could not have hurt a child. But, apart from this, the case was very badly got up. The witnesses, on cross-examination, broke down completely as to the details of the alleged fight with the merchant, and even the place where it occurred. One witness deposed that the deceased was left groaning and insensible the whole night on the road, another that he was at once carried to the village, and a third that he had walked two miles to the police-station, where he showed his wounds, and made his complaint against the prisoner! The merchant, of course, was acquitted, and some of the Madigas were convicted of rioting.

Very ingenious methods are sometimes hit upon to throw the police off the scent. One morning the body of a man was found on the railway just after the mail-train had passed. The head was cut off and both legs broken. The body was sent for examination to the civil surgeon, who found that the skull was fractured in two places, evidently by blows, and the spleen and the liver were both ruptured. Evidently it was a dead body that had been placed on the line for the train to run over. Inquiries were then made. From the spot where the body was found there were marks of wheels, and a track of

blood, to a house occupied by two brothers named Balia and Krishna. They were both well-to-do and respectable men. The deceased meanwhile was identified as a man of bad character named Narayan, who had been the terror of the village. The two brothers were put on their trial for the murder of Narayan. Balia pleaded an alibi, which was in fact perfectly true. Krishna swore that he knew nothing about the death of Narayan. However, before the conclusion of the case he thought better of it, and told the whole truth. Balia had been away for two days. During the second night Krishna heard a noise, and, moving softly across the house, he saw a man leaning down and trying to open the lock of his safe. He rushed forward and struck the thief a blow on the head, at the same time raising an alarm. The thief stooped down to pick up a stick, and Krishna gave him another blow. At this moment a neighbour named Gopal, who had heard the noise, ran in, and struck the intruder a third blow. Krishna and Gopal then found that the stranger was dead, and they recognized him as Narayan. They were very frightened, and they put the corpse on a bullock-cart and dragged it to the railway. Both brothers were acquitted—Balia because his absence was satisfactorily proved, and Krishna because he was held to have acted in the right of private defence. Now the night of the occurrence was a moonlight one. Various people had turned out to see what was happening. And, just because they thought that as one of the persons concerned was Krishna the other must have been his brother Balia, they swore that they had seen Balia help to put the corpse on the cart; whereas Balia was not there, and the actual person was Gopal. Gopal admitted his share in the transaction. It will

be seen what immense caution is needed in giving credence to witnesses in India.

Born and bred in a land which is blest with such a moral atmosphere as these incidents point to, is it wonderful that a low-paid and ill-educated police should be unable to resist the taint ? But it is by no means only the police who think lightly of tampering with the truth. I knew a Mahometan gentleman who had risen to the exceptional height of district magistrate, and who had a very high reputation for integrity and efficiency. He was extremely anxious that certain desperate criminals should be convicted. Unfortunately the earlier police diaries in the case were inconsistent with the later ones, and this was likely to prejudice the prosecution. The district magistrate asked his district superintendent of police to have the original documents destroyed, and others substituted which would make the case stronger ! Needless to say, the police-officer, who was an intimate friend of mine, flatly declined to do anything of the sort. But it was an awkward position in which to be placed.

From my own personal experience, which extends over a quarter of a century's service in the force, I should say that, while the police suffer a good deal from excess of zeal, and they are ready to depose to more than they actually know against a man whom they believe to be guilty, yet it is most exceptional for a member of the force to deliberately give false evidence against a person whom he knows to be innocent. I cannot call to mind such an incident being proved. I remember one amusing example of exuberant imagination. At Matiari, near Hyderabad, Sind, a man was caught by some villagers in the act of stealing grain. He was handed over to a police



sawar, or mounted constable, named Saleh Mahomed. This gallant guardian of the peace did not like to narrate to the magistrate so bald and unromantic a story. He came out with the most astonishing recital of the blood-curdling adventures which he had met with in his endeavours to arrest the dangerous ruffian, who happened to be a man of about half his size. "Moving accidents by flood and field, and hair-breadth 'scapes," "th' imminent deadly breach," were not in it with this concentrated three-volume novel of melodrama. The magistrate and every one in court were convulsed with laughter before he had finished. Later on Saleh Mahomed became my personal orderly, in which capacity his gift of drawing the long-bow could not do much harm. When I heard him, as I often did, sit down and relate by the hour, in an uninterrupted flow of eloquence, to my small son tales of genii and kings and princesses and enchanted palaces, which outdid the *Arabian Nights* for wonders, I realized how he was irresistibly impelled to embellish the dull and uninteresting circumstances of the arrest of the grain-stealer with a trimming of ornamental embroidery.

The charge which is continually made against the police is that they put pressure on accused persons to make confessions, even of offences which they have not committed. "Putting pressure" is a mild way of stating the accusation that is generically made against the police. What is meant, and for the matter of that frequently said, is that the police torture accused persons to confess. When we remember Section 330 of the Indian Penal Code, a section well known to all police, which lays down that "Whoever voluntarily causes hurt for the purpose of extorting any confession shall be punished with

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imprisonment for a term which may extend to seven years," it is difficult to imagine that a police-officer will lightly, much less habitually, incur such a tremendous risk. Nevertheless, it remains an historical fact that in the vast majority of cases the confession of the accused person, made shortly after the arrest, forms part of the record, and that almost as a matter of course the confession is subsequently withdrawn, the accused saying that the police had beaten him. "What is truth?" Mr. J. D. B. Gribble states that in the course of twenty years' experience as a magistrate in Madras he cannot remember one well-substantiated case of torture whilst in police custody, but in his experience there occurred many cases in which the very gravest suspicion has attached to the manner in which a confession was made. Is it possible, it may not unreasonably be asked, that all these cases could be true, while not a single one was capable of proof?

Pages and pages of controversy have been written on this subject, and there is no finality in judgment. It would be tedious and unprofitable for me to quote all the arguments on both sides. I may be permitted to make the following quotation from another book of my own : \*

"While admitting that an over-zealous police-officer may occasionally be guilty of this hateful practice, I believe such offences to be extremely rare. The accusations of it are so endless, that were even a moiety of them true they would be capable of proof. I remember once, in an official report on the general subject, quoting verses 19 and 20 of the seventh chapter of the Book of Joshua, which are as follows :

\* *My Thirty Years in India*, p. 135.

“ ‘ And Joshua said unto Achan, My son, give, I pray thee, glory to the Lord God of Israel, and make confession unto Him ; and tell me now what thou hast done ; hide it not from me.

“ ‘ And Achan answered Joshua, and said, Indeed, I have sinned against the Lord God of Israel, and thus and thus have I done.’

“ Achan was promptly stoned. Had he been committed to the sessions to take his trial in a couple of months, he would probably have thought it over, and said that the servants of Joshua tortured him to confess, and had hidden the goodly Babylonian garment, and the shekels of silver and the wedge of gold in his tent.”

It seems to me natural enough from a psychological point of view that a robber or a murderer should, upon the discovery of his crime, be overwhelmed by the knowledge that his sin has come to light, feel aghast at what he has done, and find himself compelled in his excited frame of mind to relieve his soul by confessing. It seems also natural to me that in the course of weeks, while he is awaiting trial, he should cool down, and consider that he is doing himself no good by his confession. Old jail-birds get at him, and under their persuasion he tells the familiar tale that he is quite innocent, and that he only confessed because the police beat him.

If for a hundred years no police-officer ever in the mildest way, even by persuasion, induced an accused person to confess, the mere fact that confessions volunteered and subsequently retracted form part of the record, would leave the case against the police just as strong as it is now. It is of the most supreme importance to get rid of the taint once and for all.

There is only one way to do this. As an old Indian

policeman, whose recollections of investigation work are still recent and vivid, as one who was a magistrate before he was a policeman, as one who is not hostile to the police, but who is their best friend, who, in spite of their obvious imperfections, is proud to have been associated with them, I state with all the force and conviction at my command that it will be infinitely for the advantage of the police, and consequently of the people at large, to make it illegal for any one, police or magistrate, to record the confession of any accused person before he is actually put upon his trial. If when he is being tried he chooses to plead guilty and confess what he has done, let him do so. It will not occur often. If the police cannot obtain sufficient evidence against an accused person to send him up for trial apart from a confession, he ought not to be sent up for trial at all. Undoubtedly if the law were altered, and no confessions, previous to trial, were allowed to be recorded, some few cases would end in acquittal which now, with a confession, end in conviction. I fully admit this. But it would not much matter. Our law as it stands is so much more designed for the protection of the innocent than for bringing home their guilt to the guilty, and so many undoubted criminals are daily acquitted, that to add a few to the number of improper acquittals would be of no great consequence. Besides, this effect would be only temporary. In a short time the police would realize the necessity of supporting a charge with evidence which frequently exists, but is commonly overlooked, and the statements of police-officers in court would ultimately carry weight which they will never command so long as they are handicapped with the prejudice inseparable from confessions.

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Of course, in India before our time it was the recognized and legitimate procedure to torture a suspected person in order to induce him to confess. Equally, of course, in spite of all our efforts, such traditions die out slowly. Let it be remembered that less than two hundred years ago the barbarous practice existed in England. The commonest method was to place immense weights on the chest. Chivers, in his *Medical Jurisprudence*, gives the following instances: "In January 1720, William Spigott, at the Old Bailey, bore four hundredweight on his body for more than an hour, and thereafter was hanged. At the Old Bailey, in January 1721, a highwayman, after enduring the punishment an hour, and having three or four hundredweight put upon him, at last submitted to plead."

Before leaving this unpleasant subject I venture to reproduce a Punjab Government Resolution issued last year (1909), in which, after a careful inquiry by no less a person than Sir Louis Dane, the Lieutenant-Governor, the police are totally exonerated from a peculiarly gross charge of inducing confession by torture.

### PUNJAB POLICE ALLEGED TORTURE

#### GOVERNMENT RESOLUTION

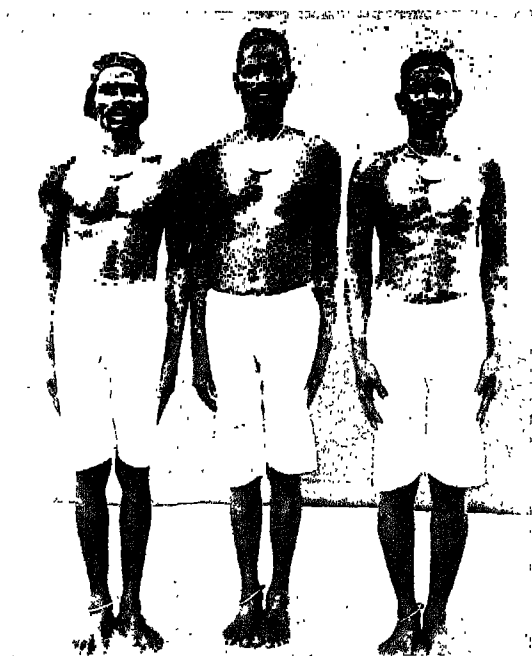
The Punjab Government has issued a Resolution on what is known as the Punjab police torture case. A woman named Gulab Bano, who was prosecuted for the murder of her husband, and convicted and sentenced to death by the Sessions judge was, on appeal to the Chief Court, acquitted. The honble. judges observed that, upon the materials before them, there was grave reason to suspect that certain

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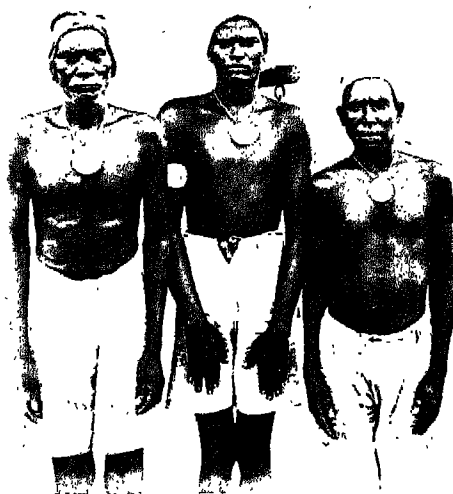
allegations made by Gulab Bano, of ill-treatment of a most revolting character at the hands of the police, in order to extort a confession, were not without foundation, and they suggested that a searching inquiry should be instituted. Accordingly, the Lieutenant-Governor examined the records of a local inquiry which was held under orders of the district magistrate of Attock when the woman first made her allegations, and also the special reports which were called for owing to the comments of the Chief Court judges. His Honour has ordered the publication of a lengthy review of the case. After examining the details, the Resolution exonerates the police of all blame, and concludes as follows :

“ Sir Louis Dane is unable to arrive at any other conclusion than that Gulab Bano's injuries were not inflicted by the police. Whether they were received in the jail or when she was being taken before Court on different dates between May 29 and June 5 is a matter of conjecture. With the greatest respect for the opinion of the honble. judges, who are apparently inclined to the view that the woman was tortured by the police between May 29 and June 5, the Lieutenant-Governor believes, with the Professor of Forensic Medicine, that an irritant was probably applied by the woman herself, or by some person with the woman's consent, in order to support a charge against the police and to introduce into the case a feature which is notoriously so damaging to a prosecution—a retracted confession. No doubt opportunities occurred during the period between May 29 and June 5 for suggestions to this effect to be made to the woman with a view to neutralizing the effect of her confession of May 29, and for her to adopt these suggestions. Instances of such

tactics are by no means uncommon, and no other theory will satisfactorily explain all the facts. Such was the verdict of the three Indian assessors who assisted at the Sessions trial. Unanimously they declared: 'The case for the prosecution is true. The accused wilfully poisoned her husband in order to marry the Nawab. The whole story of the police ill-treatment is the concoction of a cunning woman.' The judge (the late Mr. Kennedy, an officer of wide experience and a rigid censor of police procedure), agreeing with the assessors, described the torture story as a 'clumsy concoction.' At any rate, the torturing could not have occurred on May 12 in the manner and at the place and time stated by the woman, as expert medical evidence clearly shows. Between May 29 and June 5 the police concerned with the prosecution were not near the woman at all, and there was no object for the infliction of any such torture after May 29, when the woman alleged before the magistrate that she had merely administered charmed salt to her husband to induce him to divorce her. There is, moreover, absolutely no corroboration of the theory that the alleged outrage occurred between these dates, and the theory is at direct variance with the reiterated statements of the woman herself, and is rendered highly improbable, if not impossible, by the history of the woman's movements during those days. It would be impossible on a mere theory of this kind to launch any case against the police concerned, whose proceedings appear to the Lieutenant-Governor not to have been open to any such charge. He regrets that no local officer was present during the hearing of the appeal, as such an officer might have been able, through the Government, to have indicated the points which



PARIAH (LOW-CASTE) PRISONERS IN A MADRAS JAIL.



DACOITS IN JAIL (MADRAS).





discredit the theory propounded in the Chief Court.

“ Besides the question of the charge of torture, there is one other point in the case which his Honour considers should not pass unnoticed. The Chief Court judgment lays great stress on what is described as the suppression by the prosecution of a certain piece of evidence favourable to the accused. It is said that the matter vomited and purged by the murdered man was carefully preserved by the accused and at once pointed out by her to the police on their arrival, and that this fact was suppressed by the prosecution. What happened was this. Muhammed, the murdered man, purged and vomited on the floor of the house. The vomit was, Gulab Bano said, scraped up by her and thrown part into a rubbish pit and part on to a heap of sweepings, but no mention of this was made to the police-officer who first arrived upon the scene, the head-constable from the Genkri police-post. It was only when the head-constable, Abdullah, from police-station, Chauntra, arrived and questioned the woman that she stated what she had done. The matter, to which attention was thus drawn by the woman, was forwarded to the Chemical Examiner, but no poison was found in it. The woman's statement, that the matter was what she represented it to be, was probably untrue. Muhammed admittedly died of arsenical poisoning and, had the matter pointed out by the accused really been his vomit, and ejected when under the influence of the poison, it would have yielded traces of arsenic. In any case the evidence, being of no value, was not brought forward. Had it been produced, it would probably have told against, and not in favour of, the accused, as suggesting an attempt on her part to baffle the

investigation. All the facts were set forth in the police papers, which were produced before the Chief Court, and no attempt was made to consider them.

"In his Honour's opinion, therefore, the prosecution were not guilty of suppressing evidence, a charge which, it may be observed, falls upon the heads of the European Superintendent of Police and the Public Prosecutor. As this case has attracted considerable notice in the press in India, and has several times formed the subject of questions in the House of Commons, the Lieutenant-Governor has deemed it desirable to give publicity to the conclusions at which he has arrived as the result of the investigation made under his orders."

Now the whole point of this incident is that the accused woman Gulab Bano confessed her guilt, and subsequently retracted her confession on the grounds that the police had tortured her, with the result that the case for the prosecution became so prejudiced that she was acquitted. Very likely she was guilty of the offence for which she was tried. Still more likely, but for the confession and its retraction, she would have been convicted. Anyhow, the effect of the confession, true or false, was to utterly ruin all chances of a successful prosecution, and to add a fresh stigma to the police in the public estimation. This case, in my opinion, is an exponent of the need for making it illegal to record a confession except during the trial of the case.

Here is another instance of a false charge against the police. In 1888, Mr. Duggan, the district superintendent of police at Broach, recorded the following incident in his annual report: "I may mention that not long ago two Wagris appeared before me

with their arms and backs excoriated, and charged the police with having tortured them; and one of them added he had been compelled to carry a red-hot hatchet-head in the palm of his hand and walk with it some paces. Their appearance at first supported this allegation, but a separate and minute examination of each showed that the whole story had been fabricated, and on being sent up to the civil surgeon that officer declared that the marks on the body were caused by some irritating substance, and that there was no trace of the man having carried a red-hot iron in his hand. The district magistrate eventually, at my request, referred the matter to the first-class magistrate of the talooka, who, after a minute inquiry, reported that the complaint was totally false. Since then the Wagris, fearing prosecution and punishment, have disappeared from the village."

I will quote one more case in which the police were falsely accused of torture. The circumstances occurred some years ago in Oudh. On Saturday, June 11, three persons were arrested for house-breaking and theft. One of these was a boy named Gunnai, aged about sixteen. He confessed, and pointed out where the stolen property was concealed. On the Saturday evening the accused were placed before the magistrate. Owing to pressure of work the Court could not take up the case for some days, and the prisoners were remanded till the following Thursday. On the day appointed Gunnai complained to the magistrate that he had been severely tortured by the police to induce him to confess. He stated that he had been laid on the ground on his face, and his back and legs daubed with the end of a sweeper's broom dipped in boiling oil. There was no doubt that he had been

badly burnt. The question was how, and by whom. Now on the Saturday Gunnai had walked in twenty miles. He was not lame; he did not limp; he made no complaint. The jail superintendent had, in accordance with the usual procedure, examined his body, and entered in the register that he had certain moles and warts; but there was no mention of marks of burning. It was beyond dispute that at that time he was whole and sound, and had no injuries. What had really happened was this. The three accused belonged to the gang of one Putti Sing, the ring-leader of all the budmashes of the neighbourhood. In order to get his friends off, Putti Sing hit upon the idea of heavily bribing the hospital assistant or apothecary at the jail to blister Gunnai, who was to withdraw his confession and swear that the police had tortured him. If the Court believed this, the accused were sure to be all acquitted. On Sunday night, in his cell, Gunnai was blistered with oil of vitriol. After a careful inquiry the truth was elicited, and the hospital assistant, together with some other jail officials, was sentenced to a lengthy term of imprisonment.

These three instances, in which the most definite charges against the police were, after a dispassionate inquiry, totally disproved, are a healthy corrective to the somewhat wholesale condemnation of the police recorded by the members of Lord Curzon's Police Commission in 1903. The Commission, after a brief sketch of the history of the police, give as a heading to their opening chapter on the present condition of the police, the view of the late Sir John Woodburn, Lieutenant-Governor of Bengal, recorded in 1901. "In no branch of the administration in Bengal," the Lieutenant-Governor

said, "is improvement so imperatively required as in the police. There is no part of our system of which such universal and bitter complaint is made, and none in which for the relief of the people and the reputation of Government, is reform in anything like the same degree so urgently called for. The evil is essentially in the investigating staff. It is dishonest and it is tyrannical. It is essential for a real reform that there should be a bold increase in the wages of a staff which wields so great a power, and in the more careful supervision of their work." The Commission, as the result of their inquiries, emphatically recorded their full concurrence in the views of the late Sir John Woodburn as above expressed. The need for improvement could be questioned by no one. But the accuracy of the sweeping assertions made by many native witnesses may be very much doubted. We shall see that the Government of India saw strong reason to modify the conclusions of the Commission. I may mention that I, with two other officers, was selected to serve on a preliminary Police Committee which made inquiries in the Bombay Presidency. The flow of eloquence with which witnesses expressed their condemnation of the police was what might have been expected. They were given an opening, and they availed themselves of it to spread themselves to their utmost capacity. We who knew, not only the police, but all classes in the country, understood how to add the necessary grains of salt to the mixture that was served up to us. When the Police Commission came to Bombay I was examined as a witness, but not one single question was asked me regarding the corruption and tyranny which was said to be so universal!

The Commission state in their Report \* that wherever they went they heard the most bitter complaints of the corruption of the police. Not, they admit, that corruption was more an essential characteristic of the constables than of subordinates in the revenue, forest, or other departments. But the corruption of the constable was more intolerable because of the greater opportunities of oppression and extortion which police powers afford. The police system seemed to the Commission to have aggravated the evil, both by underpaying the constable and by assigning to him duties which he is not qualified to perform. They go on to deprecate the permission frequently given to constables to investigate cases—a permission of which in the whole course of my service I never heard. The evil was still further intensified by the utterly inadequate training given to constables, and by the general absence of any attention to the necessity for being civil and respectful to the public, avoiding brutality or unnecessary harshness. High-handed indifference of the police to the feelings of the people, and the coarse and brutal treatment of crowds of individuals, are, they continue, alleged everywhere as a cause of police unpopularity. It was to meet these statements that I have recorded somewhat at length the extreme care exercised in the selection of recruits, their training, and the constant instructions to them to be civil and polite. The “coarse and brutal treatment” of crowds is altogether outside my experience.

The Commission proceed to the “corruption of investigating officers,” especially those of the class of sub-inspector. They admit that good supervision

\* Presented to both Houses of Parliament by command of His Majesty.

produces marvellous results, as a good strong district superintendent sometimes gives a tone to the whole force under him. But they were convinced of the general prevalence of corruption among investigating officers. Corruption manifested itself in every stage of their work. The whole process of investigation, from start to finish, was converted into an opportunity of extorting money from complainants, witnesses, suspected persons, and every one in the village where the crime occurred. A few extracts from this very lengthy document may be given: "The station-house officer will sometimes hush up a case on payment of his terms; he will levy illicit fees from shopkeepers and others for services rendered or to obviate vexatious espionage. In disputes about land or crops, both parties are often willing to pay him well for maintaining neutrality; or one party will pay well for intervention on his behalf. In a police investigation, a body of police comes down to the village and is quartered on it for several days. Sometimes all the villagers are compelled to be in attendance; and inquiries degrading in their character are concluded *coram populo*. Suspects and innocent persons are bullied and threatened into giving information they are supposed to possess. The police-officer, owing to want of detective ability, or to indolence, directs his efforts to procure confessions by improper inducements, by threats, and by moral pressure. . . . Deliberate association with criminals in their gains, deliberately false charges against innocent persons on the ground of private spite or village faction, deliberate torture and other most flagrant abuses occur occasionally; but they are now rare, and do not affect the opinion of the public so much as the too common practices which have been referred to



above. . . . Government has been content to have the higher and more responsible offices (inspectors and sub-inspectors) filled by men deficient in education, intelligence, and social status. Add to this the fact that provision for training has been most inadequate ; and it seems scarcely necessary to look for further explanation of the undoubtedly deplorable state of the police." I emphatically deny that the state of the police in any district of which I have held charge was deplorable.

Let us see the other side of the shield as presented by the Government of India in their Resolution dated Calcutta, March 21, 1905 :

"The Commission began by quoting the late Sir John Woodburn's opinion that the investigating staff is 'dishonest and tyrannical.' In this opinion they 'emphatically record their full concurrence.' The five paragraphs that follow develop the general proposition, that the police are dishonest and tyrannical, into a number of particular charges against all grades of the native service.

"The picture is painted in vivid colours, but in examining it certain considerations must be borne in mind. In the first place it must be remembered that Chapter II is mainly a descriptive summary of the evidence given before the Commission ; that it purports to present a concise view of 'popular opinion' and not to express a critical appreciation of the grounds of that opinion ; and that in putting themselves in the place of the witnesses who addressed them, and entering into their point of view, the Commission have conveyed a general impression which needs qualification in the light of the remarks recorded in Paragraph 30, and of the final judgment pronounced in the closing paragraph of their

report. In the former passage, after observing that their object has been 'to give an account of the reputation of the police-force, and of the feelings of the people towards them,' the Commission go on to admit that the police do as a rule desire to discover and bring to justice the persons really guilty; that the removal of a police-station is generally \* opposed by its immediate neighbours; that there has been some improvement in the department; that the picture of inefficiency and corruption placed before them by many of the witnesses is not one of universal experience; and that the failings which have been described are due partly to the attitude and tendencies of the people themselves, and partly to the low pay and poor prospects of the members of the force. . . . The Commission begin by quoting the opinions of others; but where they agree with these, they insensibly glide into a corroboration of them which is hardly distinguishable from an independent and personal verdict.

"The traditions of the force are native, and, it may be added, so are the traditional beliefs regarding it. If an ideal police could be called into existence to-morrow, it would be regarded as corrupt until it had lived down its popular reputation. So it is with individuals; the honest sub-inspector is likely to be suspected only of being more astute than his dishonest colleague.

"It may further be observed that even if each separate statement in the chapter is regarded as true, true statements may be combined as to form an exaggerated picture; and this particular picture, even if read subject to the qualifications of Paragraph 30, appears to the Government of India to

\* In my experience, not "generally," but "invariably."

convey an impression the acceptance of which would not be fair to the Indian police-force as a whole. Each statement is doubtless true sometimes, in some places, of some people, and some cases; but not (as is implied) almost always, of almost all people, and in almost all places. Above all, while each individual malpractice does undoubtedly exist, all of them do not exist in that combination in which Chapter II presents them. . . . It seems to the Governor-General in Council, that the Commission have perhaps hardly made sufficient allowance for the tendency of the Indian witness to exaggerate, especially when he has a genuine grievance. Nor have they sufficiently borne in mind that much of what is called corruption is little more than a highly developed form of that system of paying expedition money which is not unknown in Europe. It must also be remembered that the giving and taking of money, whether more gratuities or something more serious, is still traditional among the Indian people, and quite as much so among the givers as among the takers; and is objected to only when it exceeds certain recognized limits—becomes injurious and excessive.

“As is pointed out by the Commission themselves, police administration in England was, before the reforms of Sir Robert Peel, very nearly as much open to criticism as it is now in India, if due allowance is made for the different circumstances of the two countries.”

I cannot imagine a more scrupulously fair and carefully weighed summary of the position than is contained in this Resolution. I have a multitude of notes upon these matters which I had intended to use; but in view of this admirable delineation of

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the circumstances I will refrain from writing anything more on the subject.

I may add that the recommendations of the Police Commission involved an additional expenditure of a million pounds per annum, and that these recommendations were accepted by Government. I may also add that, at all events in the Bombay Presidency, some of the recommendations have been found unworkable and have had to be given up. For instance, instead of the promotion of constables by merit, an arrangement was introduced for an automatic increase of pay after so many years, irrespective of qualifications. This caused much discontent, and the former system has been reverted to.

I will conclude this chapter with a tribute to some good qualities of the police. Any unusual circumstance, such as famine, cholera, plague, floods, fires, operations against locusts, and once, I remember, a plague of rats, which destroyed the crops for hundreds of miles, or the collection of pilgrims bound for Mecca, not to speak of a wave of dacoities, or riots, or other disturbances, instantly throws a heavy burden and strain upon the police, and is invariably met in a splendid spirit of self-sacrifice, loyalty, and devotion to duty, however great the exertion and hardships involved, which is above all praise. Here is an extract from a Madras police-officer's report on the terrible famine of 1876: "A tremendous strain of work was thrown on the police. The number of prisoners to be guarded in districts and sub-jails increased enormously. Grain and treasure had to be escorted all over the country. Special patrols to prevent dacoity had to be constantly moving, roads had to be strengthened, and relief works had to be looked after by the police. The patrol parties had a dis-

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tinct effect in giving confidence to the villages, and in diminishing the amount of crime. Strings of carts laden with grain and treasure were incessantly passing through the midst of a starving population, but not a rupee was lost to Government, and hardly any grain. Marching was incessant. Cholera broke out, and the police necessarily suffered, but no murmurs were heard. Extra duties and dangers were willingly borne."

In the great Mutiny of 1857 the police throughout the Bombay Presidency gave most valuable assistance. At an outpost at Tulliwara, near the Portuguese frontier, a police-sergeant and twelve constables defied successfully an attack by a large body of rebels, who actually seized their families and swore that they would murder them unless the place surrendered. The only reply was that the British Government would avenge their deaths, and the threat was not carried out.

In the recent seditious movement there has never been the smallest question of the absolute loyalty and fidelity of the police.

## CHAPTER XV

### THE POLICE IN BEING

IN the year 1890, when I was District Superintendent of Police at Shikarpur in Upper Sind, Lord Harris, Governor of Bombay, visited the province; and in the course of his tour he inspected my police. I remember hoping that he would compliment me on the smart turn-out of the force. He passed up and down the ranks of the men as they stood at attention, and remarked: "What nice faces they have!" I was much better pleased at this than if he had merely said that the men were well dressed and steady on parade. It was a thing to remember. For, after all, if in an individual instance a pleasing countenance is not the outward sign of an inward spiritual grace, yet, when a whole series of faces call for the remark made by a man of such vast experience as Lord Harris, this testimony in their favour cannot be lightly passed over. I can see these men before me now—ill-paid, over-worked, both by night and by day, of little or no education, oppressed with the knowledge that public opinion is prejudiced against them, only too well aware of the pitfalls that await them in every direction, but showing, nevertheless, by their bearing that they are determined to preserve their self-respect, perfectly

disciplined, scrupulously neat and clean, the Mahometans with well-groomed beards, the Hindoos carefully shaved, all on the alert for carrying out the "present arms" as one man, and all, as Lord Harris said, "with such nice faces."

I know their shortcomings well. The faults that they possess are those of their country, their class, and of their bringing up. I am thankful that, well as I know their failings, I know their good qualities better. Doubtless in every fold there may be a few black sheep. But the vast majority of Indian policemen are not bad men. Careless some of them may be, wanting in intelligence, neglectful, and too constantly expectant of the traditional bucksheesh, or *douceur*, to stimulate their energies; but they are mostly zealous, and eminently faithful. Any extra work which falls upon them is done with cheerfulness and alacrity, at whatever cost to personal inconvenience.

Excess of zeal is a quality which European officers find it difficult to control. This characteristic manifests itself in various ways. First and foremost is the desire for the punishment of an accused person whom the police know perfectly well to be guilty of a serious offence. Convinced of his criminality, they feel it their duty to ensure his conviction by providing sufficient evidence to satisfy the Court. In the life of Lord Brampton (Sir Henry Hawkins) that famous judge says: "I have witnessed many great trials for murder, but I do not remember one when there was a witness to the deed." But the native policeman is obsessed with the idea that a Court will not convict without the evidence of eye-witnesses. Sub-Inspector Govindram is certain from the inquiries which he has made that Bala has murdered Luxman.

He is therefore burning with eagerness to see Bala sentenced by the Court. He has no enmity towards Bala; he is only animated by professional zeal. He therefore gets holds of Gunesh and Rama, and instructs them in a lucid narrative which is intended to convince the tribunal that they witnessed the fatal deed from behind some bushes. Of course the witnesses break down under cross-examination, Bala is acquitted, and the probable further result is the dismissal of Govindram, possibly coupled with a term of imprisonment. Govindram cannot understand why he has received such treatment. The Sirkar wishes that murderers should be hanged. He tried to please the Sirkar. If the offender had not been arrested, he, Govindram, would have been blamed, and perhaps punished. He could not arrest Bala and send him up for trial without any evidence. He therefore did what he considered was the best thing to do. Far from acting against his conscience, he scrupulously obeyed its dictation. Nor did Gunesh and Rama think that they had done anything wrong. They knew perfectly well that Bala had murdered Luxman; and they were only too anxious to assist Govindram in bringing him to justice. Now what Govindram failed to see was that he was not, as he thought, between the horns of a dilemma. There was a third course open to him. A full history of the case, with all the circumstantial evidence available, free from any taint of concoction, would have been far more likely to end in the conviction of Bala than the manufacture of any number of false witnesses. Lord Brampton said: "Circumstantial evidence is actually almost the only evidence that is obtainable in all great crimes, and it is the best and most reliable." In two great crimes of recent occur-



rence in England, the Dickman and the Crippen cases, the accused were convicted on circumstantial evidence. Had these cases taken place in India, there would have been so-called eye-witnesses put in to strengthen the evidence, with the almost inevitable result that the prosecution would have been discredited and the accused acquitted. The object of the existence of us European officers is to prevent this fabrication of evidence; and if our success is slow and partial it is not for want of insistent teaching and of practical illustration. I remember a murder case in the Dharwar District which I travelled many miles to investigate. A woman named Faki-rawa, when returning to her house from the bazaar after nightfall, had been murdered in a dark lane for the sake of her ornaments. There was little doubt that the crime had been committed by one Ramapa, though actual proof of this, whether circumstantial or otherwise, was non-existent. But there were in readiness the two regulation witnesses who had happened to be looking on from behind some bushes. Luckily, Ramapa had not been arrested when I arrived; and, of course, I refused to allow his apprehension. It was better, in my opinion, to allow the case to remain undetected than to invite a scathing criticism of police methods from the Sessions Court. But that was not the sub-inspector's view. To have on his crime-register an undetected murder case seemed to him a calamity, while, if he prosecuted Ramapa and he were acquitted, a hundred reasons would be found to show that the police were not to blame for the result. The witnesses had been tampered with, or the Court prosecutor had not represented the circumstances properly, or it was Ramapa's destiny to be acquitted! This phase of



A GROUP AT KARACHI (SIND)

(It is said on the departure of an officer from his district, whether on transfer or on retirement, to hold a complimentary meeting in place and of flowers round his house)



reasoning, founded as it is on centuries of tradition, is most difficult to eradicate.

In spite of all difficulties, much can be done, and is being done, to raise the level of police morality. In the Report of Lord Curzon's Police Commission there is a sentence which is pregnant with instruction : " In some districts supervision is better, and good supervision produces marvellous results, as a good strong superintendent sometimes gives a tone to the whole force under him." Everything, in fact, depends upon the European chief of police. If the " Sahib " is clear-headed, keen, energetic, active, business-like, accessible, just, free from favouritism, uninfluenced by his office clerks, and determined to stand no nonsense, the influence that he can exercise upon his force from the highest to the lowest is incalculable. A Sessions judge once remarked to me, that since a new superintendent had come to his district the cases that were committed to his court were so superficially investigated, and so badly presented, that it might be a different district. Whereas, before, nearly every case had ended in conviction, now there was acquittal after acquittal. It was not that the superintendent, either before or after, had been able to investigate every Sessions case himself ; it was the difference of character of the men, the human equation that could not but manifest itself. I have known a district in the Deccan which at one time was recognized to possess the smartest and most efficient police-force in the west of India. The men were well turned out, and their appearance most creditable. The force was up to strength, the work was done with punctuality and regularity, and there was no friction between police and magistrates. A few years later everything was in confusion ; and

there were innumerable complaints against the police. Again a few years passed by, and another officer, with infinite trouble and perseverance, had by his personal influence restored the police to its former high reputation. When the character of the native constabulary is so easily influenced by the example of their chief, there is little reason, in spite of all disappointments, to despair of the ultimate success of our police administration. That in the last thirty years or so there has been a general improvement in the tone and morale of the force as a whole is the opinion of most senior officers.

When a crime has been committed in a village, the police investigation that ensues is likely, in the nature of things, to cause annoyance to a number of people. Ordinary avocations are necessarily, to a certain extent, interfered with while the investigation lasts. Inquiries cannot be completed within a few hours. Persons suspected of the crime must be kept at hand in case circumstances are elicited which justify or demand their arrest. They cannot be allowed to disperse themselves in order to graze their goat and sheep in the jungle. It takes a long time to record the statements of a dozen or more witnesses; and those whose statements have first been taken must remain in the event of it being necessary to examine them further in the light of what is said by other persons acquainted with the circumstances. The police have no wish to cause annoyance by their procedure; but this visit is regarded with dislike by reason of the trouble involved. Again, witnesses are most reluctant to have to attend the magistrates' courts to give evidence, and they are unwilling to admit having seen what they undoubtedly have seen. The police are obliged to persuade them to speak

out ; and this process causes protracted delay, and adds to the trouble of all concerned. Thus the most exemplary police are sure to incur unpopularity. But the police are not all exemplary. Neither are the villagers. If the accused are well-to-do people, they are always ready to offer bribes to the police to hush the charge up. The charges of bribe-taking, usually made in anonymous or pseudonymous letters, are incessant. Sometimes they are true, in others they are certainly false. The police may find that the accusation of a crime is entirely fabricated and baseless, and they decline to arrest the accused person. Instantly charges of corruption are made by those who desire the apprehension of the accused. I remember a case in Sind, to investigate which I had to make a long journey in the height of the hot weather. Most detailed and circumstantial charges of bribery had been made against a number of police who had refused to arrest a man named Joommo Halepoto on a charge of breaking into a house and stealing some ornaments. I had up the witnesses one by one, and made them show me where the bribes had been given and taken. They all showed me different places. Then I went to see the house where the alleged burglary had occurred. The walls were made of sun-dried mud. Through one of these a hole had certainly been made, for the place was clearly visible though the hole had been filled up with mud. I had this carefully removed until the aperture that had been made stood revealed in its exact proportions. I then told Joommo Halepoto to enter the house by this hole. He happened to be a big man, and it was perfectly impossible for him to force his way through. As a matter of fact, there was barely room for a small boy to effect an entrance,

Curiously enough, it had never occurred to the police to prove their innocence of the charges brought against them by this obvious method. The whole thing was a most deliberate fabrication to get Joommo and the police into trouble. The inmates of the house had made the hole in the wall.

The efficiency of the police varies greatly in accordance with the characteristics of the population from which they are drawn; and the characteristics of the people are appreciably dependent upon climatic conditions. Where year by year there are three months or more of really cold weather the country produces a race of fine, strong, and plucky men, however hot it may be for the remaining period. This applies to Upper Sind and the north of India generally, and in less degree to the plateau of the Deccan with its sturdy Mahratta population. On the other hand, although there may be no extremes of heat, if there be no winter, there is no fine race of men. The worst material for police which I ever encountered was in the Dharwar District, at the south of the Bombay Presidency. The climate was mild and equable, and if there was ever any cold at all it was during the monsoon months from June to September. Christmas was in comparison unpleasantly hot. The soil was rich, and produced rich crops with little labour. Consequently the people were soft, lazy, and slothful, also exceedingly timid. It was impossible to get constables to go on beat duty in the streets at night one by one; they always had to be two by two. The criminals on their part, numerous as they were, were cowards also. It usually took at least twenty-five men to commit a dacoity, for which five courageous young bloods would in other districts have been considered sufficient. A smaller number

of the Dharwar malefactors could not summon up enough courage to undertake a very ordinary enterprise. To get the Dharwar police to do their work meant what is known in the East as a perpetual process of tail-twisting. The only reason why a man would do to-day's work to-morrow, was that he could not see his way to putting it off till the day after to-morrow. To create any *esprit de corps* in the Dharwar police, or to induce the men to take a pride in their appearance, was an impossible task. But by dint of incessant supervision, and punishment for inactivity, it was possible to effect a very marked difference in their work.

There are three tests by which the attitude of the people towards the police may be judged. These show that in spite of all shortcomings the people have, on the whole, confidence in the guardians of the peace. One is collective. If it is ever proposed to abolish any police-post there is instantly a flood of petitions from the inhabitants of the neighbourhood for its retention. More than this, I have in various districts received petitions for the establishment of a police-post where none has existed before. The second is individual. It is always a difficult question how long to keep a head-constable or constable at any particular post. It takes him some time to know the people and the circumstances of the locality. On the other hand, if he is left too long he is apt to take sides in local disputes and interests as to which he should be strictly impartial. As a general rule I have found two years to be a suitable period. But over and over again when I have considered it time to transfer an officer, petitions with hundreds of signatures have come in, asking me to leave him where he is because of the confi-



dence which the people feel in him. The third test is this. The village police, under the patel or headman, are empowered to deal with a number of lesser offences, including theft of articles worth not more than two rupees. But, even if the value of a stolen article be only eight annas, the complainant prefers to walk miles to complain to the regular police, rather than seek redress from the indigenous institutions of the country.

I have referred to a few individual officers in the Thana district. Perhaps a brief description of some others out of the vast numbers whom I have known will illustrate the generalities which it is difficult to avoid. Of the inspectors in the Shikarpur District two were brothers, Khan Mahomed Lahori and Wulli Mahomed Lahori. Both were fine-looking men, of excellent intelligence, good manners and address. Khan Mahomed was of simpler character than his brother. His opinion could generally be accepted with better assurance that it was correct. He was a thoroughly good officer so long as things were fairly all right, but he was not equal to an emergency, and in a difficult case he was too ready to accept failure. His rectitude was above suspicion. Wulli Mahomed, on the other hand, was inclined to be slack in matters of every-day occurrence, but a difficulty brought out all his energies. He was not so scrupulous in his methods as his elder brother, and he needed stricter supervision. With him the end justified the means. To bribery in the ordinary sense of the word he was, I believe, inaccessible; but, like Samson, he was as wax before the wiles of Delilah. His action in any particular case was liable to be influenced by the smiles of a pretty woman. Another inspector in the same district was Mirza Nawaz Ali Beg. He was of

particularly handsome appearance, a thorough gentleman in all his ways, bold, and straightforward; but somewhat wanting in intelligence. I was able to obtain for him the post of superintendent of police in the Native State of Khairpur. Of the sub-inspectors in the same district there was one named Ghoolam Russool, who looked upon the police department as specially created for the purpose of conferring upon himself innumerable facilities of obtaining money by illegitimate means. His career came to an abrupt conclusion. Another thoroughly corrupt officer was Hidayat Ali. He invented a singularly ingenious plan for the taking of bribes. To let off a guilty person he would accept fifty or a hundred rupees; and this sum had to be paid to him in his office in the presence of his clerks, his subordinate police, and as many other witnesses as were obtainable. This system was pursued successfully for some time, but he was at last prosecuted for his nefarious transactions. Before the Court he was the picture of injured innocence. The charges brought against him were wicked and abominable, and were made to ruin him because such a model of justice was sure to create enemies. How could it be believed possible that an officer would take bribes openly in the way that had been described? An eater of bribes would take every precaution for secrecy. The Court accepted this argument, and Hidayat Ali was acquitted. He subsequently died of plague. I have referred to these unscrupulous officers because I wish to be strictly impartial, and I make no attempt to disguise the fact that such types can exist. At the same time, I am convinced that they are the exception and not the rule. If it were not so, the only logical conclusion would be that

the total abolition of the police was desirable. In the Hyderabad District of Sind there was an exceptionally able and trustworthy inspector named Mahomed Murid. I knew him for years, and I obtained for him from Government the title of "Khan Bahadur." Towards the end of his distinguished career he was transferred to another district, where the police were in an unsatisfactory condition, several officers being hand in glove with certain unscrupulous zemindars. Mahomed Murid proceeded to put things right. Perhaps he was somewhat hasty and wanting in tact. Anyhow, a flood of complaints of bribery and extortion instantly began to pour in against him. Happily these were all disproved. The incident is an illustration of the dangers and pitfalls to which an honourable police-officer is liable in the East.

Throughout all ranks, from inspectors down to constables, there were good, bad, and indifferent officers. I may safely say that the indifferent predominated; then came the good; the really bad constituting a small minority. For an intelligent and trustworthy constable to obtain fairly rapid promotion was by no means difficult. On the contrary, we were always looking out for men above the average whom it was desirable to help on. Generally speaking, it may be said that, if a constable did not show himself fit to be a head-constable within ten years he would never be qualified for that position. He would have to be content with the humble duties of watch and ward, and the serving of summonses and warrants for the remainder of his service.

The police on duty in the streets of a large town or cantonment such as Poona are for the most part smart in appearance and anxious to do their duty.

In one thing they signally fail, and that is the control of traffic. The drivers of bullock-carts, shigrams, and tongas, may be as indifferent as they like to the rule of the road, with little interference from the native police. One European sergeant exercises more authority in this essential duty of the police than a dozen Hindoo or Mahometan constables. But in going rounds at night, and seeing that the doors of houses and shops are closed and secured, native constables are careful and painstaking. In the maintenance of order during the Mohurram and other religious processions, when the streets are overflowing with an excitable, noisy crowd, always liable to develop into an unruly and lawless mob, the rank and file of Indian police are at their best. Patient and imperturbable, devoid of partiality, thoroughly understanding the people with whom they have to deal, not worrying about a little more or less time, they gradually induce the masses to move on along the route that has been prescribed for them. On the occasion of horse and cattle shows or similar gatherings, or durbars, and other public functions, the police arrangements are always excellent.

The police have not to be looked upon as so many "buckle numbers," but as individual human beings. Their interests have to be carefully considered, and some brightness has to be introduced into their rather dull and monotonous lives. Police sports, including tent-pegging and wrestling matches, form one excellent way of providing human interest, and of improving the relations between officers and men, and also between the police and the public. In various districts, annual police sports on a large scale were looked forward to by the

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townspeople as an important event; and they used to attend in crowds, dressed in their brightest costumes.

On the whole, with all their faults, looking back on a quarter of a century's experience of the Indian police, I can describe them as very likeable.

## CHAPTER XVI

### BAD CHARACTERS AND CRIME : AN ILLUMINATING JUDGMENT

I HAVE shown that when I inspected a police-station or outpost the budmashes, or bad characters, of the surrounding villages were always present ; and I have explained how I used to test the knowledge of the police regarding people who had fallen from grace. The importance of systematically looking after them cannot be over-estimated. There is no golden road to the detection of offences ; but, whether in London or in an Indian city, the first thing that the police have to inquire about upon the occurrence of a crime is the recent behaviour of persons who have already passed through their hands. There must therefore be a list or register of professional and other notorious criminals. The difficulty is to draw up rules for the preparation and maintenance of such a register. This is by no means a simple problem. The list must be sufficiently elastic to comprise all persons who are likely to be a danger to the public ; but at the same time it must be kept within reasonable bounds. If too comprehensive, there is hardship on individuals, and also the danger of having more people on the list than the police can probably keep their eye upon.

Under Section 401 of the Criminal Procedure Code,

the Governor-General in Council, or the local Government, may remit any sentence of imprisonment, whether conditionally or unconditionally. The condition may be that of police supervision. Further, under Section 565, certain Courts, including district and subdivisional magistrates, may, upon a second sentence of three years or upwards under Chapter XII or Chapter XVII of the Indian Penal Code, order that after release the ex-convict's residence, and any change of residence, shall be notified for a term not exceeding five years. The local Government may make rules to carry out the provisions of this section; and the rules resolve themselves into an order for the ex-convict to report himself to the police at stated intervals. These are all the provisions of the legislature for the supervision of bad characters. But, over and above these, each province has its own rules and regulations on the subject, based not upon law, but upon executive authority. The following is an epitome of the rules as they have stood for some time past in the Bombay Presidency.

The registers of bad characters over whom the police are required to exercise supervision shall contain the names of released convicts who have been convicted of any serious offence against the currency, or dacoity, robbery, house-breaking, theft of property exceeding in value one hundred rupees, mischief by fire, or cattle poisoning, or who have been convicted not less than three times of any cognizable offences; persons who have gone to jail for failure to give security for good behaviour; persons convicted of receiving stolen property; persons convicted of any crime of violence or fraud, and sentenced to two years' imprisonment or more; and, in the discretion of the district superintendent of police,

male persons above ten years of age belonging to any tribe, gang, or class addicted to the commission of non-bailable offences. The executive action of the police is not fettered by any hard and fast rule regarding the period for which names should be retained on the register. But Government state, as a general indication of policy, that in the case of convicted persons the names should be retained on the register after the expiry of imprisonment for a period not less than the term of imprisonment imposed. If in the meantime new causes of suspicion arise, the names may be retained for a further period.

It is obvious from these rules that the police have wide powers over ex-convicts and other suspects. Do they exercise these powers with reasonable discretion? I must confess that they frequently do not. Even many European officers are wanting in discrimination. I have often found the registers in the utmost confusion, and still containing names of persons who have led an honest livelihood for years, or who have disappeared, or have long since died.

The ordinary police idea in India about a released convict is "Once a thief always a thief"; and they like to treat every one who has done a term in jail in accordance with this sentiment—that is to say, while he is on the register of persons under police supervision, cause him as much annoyance and harassment as possible, put every obstacle in the way of his getting employment, by warning all possible employers against him, pay domiciliary visits to his house at night, shouting out to know if the "damaged" character is present, and on the smallest pretext run him in under the security sections (Chapter VIII,



Criminal Procedure Code) before he has had time to look round on coming out of jail. I am not referring to members of criminal tribes, but to ordinary persons who have gone wrong once or even twice, under stress of hard times, or perhaps through some spirit of devilry. The police would keep the names of such persons on the black roll for as long as possible. How often have I inspected a police-station, gone through the list of names on the register, and asked the sub-inspector, one by one, if the names cannot now be struck off? Again and again the reply has been that none of them can be struck off. It would be dangerous to do so. Rama drives a bullock-cart, but this is only a pretence; Bala cultivates a field, but this is only make-believe; and so on. Their real occupation is theft. Then I point out that there are a hundred names on the register, and there have only been twenty-five thefts in the last year. How do the men live on only one theft amongst four of them per annum? The reply is generally, "Sahib-ki-khushi."\* Besides, it is not one among four of them, for various other people were convicted on account of the twenty-five thefts. Again, when I have been issuing licences for tongas, ticca-gharries, and other public conveyances, how often has a sub-inspector said to me that so-and-so should not be given a licence as a driver, inasmuch as he went to jail for theft two years ago? Therefore what? Take away from him all chance of earning an honest livelihood and send him to jail again? I have invariably refused to listen to such nonsense. I give the man a licence if he can drive, and explain to him why I do so, and warn him to be honest in future.

Then as to striking names off the register. It is

\* "The Sahib's pleasure,"

easy to draw up rules for placing names on the register more or less automatically; but the taking of them off the register must always be a matter of personal discretion. You cannot make hard and fast rules for this. On the one hand, you certainly are bound to protect the public from offences by hardened criminals. On the other hand, you do not want to convert into hardened criminals those who, as I have said, may have gone wrong once or twice. These you want to save, and to make into useful citizens. It is the most tedious and laborious process to go through the register and consider each name. In my experience no one below the rank of superintendent or assistant will ever bother to do it, and deal with each man in a broad-minded way. My general plan is to have every man up, examine his register, ask him how he lives, and verify his statements so far as is possible. Whenever I strike out a man's name I do it in his presence, and in that of the police, so that there may be no possible doubt on the subject. A good many names can be struck off at once on principles of common sense. Each man is told that he is free to earn an honest livelihood without any interference on the part of the police, but is warned that if his name comes on the register again, it may remain there for good and all. Other names, on the contrary, for obvious reasons, cannot be struck off; but a note in the register is made that they have attended inspection, and been informed that if there is nothing against them this time next year their names will be removed. They have seen the names of a number of persons struck off, and this gives them confidence in the Sahib, and inspires them with emulation to achieve the same advantage. These are the two extremes. Between

them come the doubtful cases. An experiment that I have frequently tried with general success is to tell them that I am not entirely satisfied with their conduct, but am anxious to give them every chance, and that if they can prevail on one or two respectable inhabitants of the place (not their own relations) to go informal bail for them—that is, state personally to me that they believe that the persons concerned will refrain from committing offences—I strike off their names provisionally until I come round again. I make a remark to the name of Jan Mahomed, for instance, that Zainul Abidin, the local Kazi, promises that he will look after him.

The police were always against me in this policy at first, but they had to admit in due course that it was generally successful. In fact I have seldom had to again bring on the register a man's name whom I have struck off. There is another advantage in this system. It reduces to a reasonable number the names of persons who are left on the register. These the police have now no excuse for not supervising thoroughly.

I remember hearing a case tried in the police-magistrate's court at York. A youngster who had been in a reformatory was being tried for some petty theft. If he went to jail, considering that he had been in a reformatory already, he would be ruined for life. He was convicted. The sentence was that he was to come up for punishment in six months—that is, the punishment was to depend upon his subsequent behaviour. If he worked honestly (and every effort would be made to get him work) he would probably be told that he was detained until the rising of the Court. If he chose to go to the devil, he might get a year. The point is that of consideration for the

individual. In India it is "Give a dog a bad name and hang him." My plan was to give persons who were not hardened criminals every chance. But this is one of the labours of Hercules for the district superintendent of police.

For the identification of old offenders there is throughout India the most elaborate system of registration by means of finger-tip impressions, or "finger prints." This was introduced by Sir Edward R. Henry, K.C.V.O., now Commissioner of Police of the Metropolis, London, when he was Inspector-General of Police, Bengal. It has been ascertained that the ridges or creases constituting the patterns of finger impressions persist throughout the whole period representing the life of a man, those found on the fingers of the new-born infant being traceable on the fingers of the same person in old age, and apparently effaceable only when, after death, decomposition sets in. So vast is the variety of finger-tip patterns that no two persons in the world have an identical set of impressions for the ten digits. Definitions have been framed for fixing the types and patterns. The primary classification is into arches, loops, whorls, and composites. There are numerous subdivisions; so the number of possible combinations made up of the minute classifications and the ten digits is extremely great. Some of the subdivisions are tented arches, lateral pocket loops, twinned loops, central pocket loops, and compound patterns. There is no objection to the system by reason of religion or caste or rank in society; and in India, at all events, there is no prejudice against it to be overcome. Identification by the thumb impression only is used upon the enlistment of policemen, for military and civil pensioners, for the authen-

tification of documents presented for registration, for contracts of advances in the Opium Department to cultivators and middlemen, and for emigrants signing contracts under the Emigration Act. So convinced has the Government of India become of the effectiveness of the system and of the certainty of the results yielded by it, that the legislature has passed a special Act amending the law of evidence to the extent of declaring relevant the testimony of those who by study have become experts in finger-print decipherment.

Each province has at its seat of government a central finger-print bureau, in which are recorded the impressions of many thousands of convicts and ex-convicts. If a person whose correct name and antecedents are unknown to the police is arrested at some place in the Bombay Presidency, his finger-prints are taken, and the "slip" is sent to the central bureau at Poona. If the man has been convicted in the Bombay Presidency his record will be found in a few minutes out of the thousands that are in the bureau. If it is not found there, duplicate slips may be sent to the bureaux of other provinces. When by this means a record of previous convictions is established, the convictions can be proved against the accused, and he is liable to enhanced punishment. Not only this, but information obtained in this way may lead to the discovery of ramifications of crime extending over various parts of the country.

Sir Edward Henry, in his book on finger-prints, quotes a case which was detected by this system. The despatch-box and safe of the manager of a tea-garden at Jelpaigoori in Bengal were rifled, and several hundred rupees carried away. Suspicion fell upon various persons, including the manager's cook, a

coolly employed in the garden, a wandering gang of Kaboolis of criminal propensities, who had been encamped in the neighbourhood, and an ex-servant whom the manager had caused to be imprisoned for theft. This servant had been released from jail some weeks before, and no one could say that he had since been seen in the district. There was nothing beyond suspicion against any of the above persons. However, amongst the papers in the despatch-box was found a calendar in book form, printed in the Bengali character, with an outside cover of light blue paper, on which were noticed two faint brown smudges. Under a magnifying-glass one smudge was decipherable as a portion of the impression of one of the digits of some person's right hand. Search was made in the central bureau of the Bengal police, and the impression on the calendar was found to correspond exactly with the right-thumb impression of Kangali Charan, the ex-servant above referred to. Inquiries were made for him, and after some time he was arrested in Birbhoom, a district some hundreds of miles away. He was brought to Calcutta, when his right-thumb impression was again taken, and found to exactly correspond. Further evidence was obtained, and he was tried and convicted.

Finger impressions are obtained for record of all persons bound over to give security for good behaviour under Sections 109 and 110 of the Criminal Procedure Code ; all persons who have been convicted of offences punishable under Chapters XII and XVII of the Indian Penal Code with imprisonment for three years and upwards, and of offences under the same Code for which an offender is liable to whipping on a second conviction. The taking of finger impressions

is a simple business, and one that is easily learnt. The appliances needed are a tin slab, some printer's ink, and a roller for spreading it. Impressions are taken in two ways, as "plain" and as "rolled" impressions. By "rolled" is meant the cylindrical projection of the pattern upon paper. A plain impression is obtained by placing the bulb of the finger on the inked slab and then impressing it on paper without any turning movement. To take a rolled impression, the bulb of the finger is placed upon the slab, the plane of the nail being at right angles to the plane of the slab; and the finger is then turned over until the bulb surface, which originally faced to the left, now faces to the right, the plane of the nail being again at right angles to the slab. Thus the whole contour of the pattern appears; and the greater surface thus obtained enables a larger number of points for comparison to be selected when it is a question of contrasting the details of two prints with a view to deciding whether they are impressions of the same or different digits. The work of comparing impressions at the central bureau is a very delicate one, and experience shows that it is extremely trying to the eyesight.

Apart from individual malefactors, the police have to look after the innumerable wandering gangs who infest the country. These vary from comparatively harmless gypsies, who weave baskets or give exhibitions of skill on the tight rope, and so on, to predatory tribes and dangerous foreign vagrants. Special supervision has to be exercised over tribes which practically consist of professional criminals, such as Bhampas, Minas, and Kaikaris. I shall devote a chapter to a description of some of these curious wanderers. Most of them own ponies or

donkeys, and they use these animals to carry about their tiny ragged tents, or their neat little mat huts. One donkey can easily carry the pieces of mat that form one of the huts. Wherever a gang goes it has to be accompanied by one or two policemen. This task is not a favourite one with the force. On more than one occasion I have known the police treated with great violence by a large and unruly gang, and left tied up to trees. Information has always to be sent on ahead to the police of another district or talooka to which a gang is apparently directing its movements. Some of these people are, at all events by descent, foreigners ; but it is always difficult to prove that they have not been long enough in the country to constitute their being British-Indian subjects. When there is evidence that any individuals have actually come from foreign countries, they may be sent back under the Act for the deportation of dangerous aliens (Act III of 1864). These semi-foreign gangs are often Heratis, Beloochis, or Iranis (Persians). Many gangs habitually commit thefts and robberies, especially stealing or seizing by force sheep belonging to villagers and shepherds. Others, of milder character, content themselves with grazing their cattle on the crops in the neighbourhood of their camps. If interfered with they intimidate and assault the owners of the fields. Again, they may enter villages on the pretence of selling precious stones, the stones being generally false, and steal anything they can lay their hands on. In small villages they force or intimidate the inhabitants to give them money and food. Ponies and cattle grazing at the sides of a road are frequently driven away with the cattle of a gang. The orders of Government issued to the magistracy and police



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are that large gangs are always to be broken up. Whenever the band exceeds fifty, including women and children, two or three of the leaders should if practicable be deported, unless they consent to break up into smaller bands; or else steps should be taken for dispersing them under the Police Act. In the Bombay Presidency the district magistrate has special responsibilities regarding gangs of foreigners. It is specifically laid down that this officer's duty is not fulfilled by merely passing on a troublesome gang to a neighbouring district. He should take measures for dispersing it whenever its numbers and combination are a source of danger or alarm to the peaceable community. In Madras a few years ago a large Herati gang, numbering 205 souls, gave considerable trouble and annoyance to the inhabitants. A common trick with them was to put their hands into the jars of ghee, or clarified butter, belonging to the villagers. The contents were then considered polluted, and the gang purchased the ghee for a trifling sum.

I mentioned before that I have no great liking for statistics. But a few figures relating to crime may perhaps not be altogether without interest.

In the year 1907 the police of the Bombay Presidency took proceedings against no less than 5,550 bad characters under the security sections in Chapter VIII of the Criminal Procedure Code. The number was unusually high. Sixty-one per cent. of these were called on to furnish security. Those who went to jail in default of furnishing security numbered 1,738. The activity of the police in preventive measures had the effect of reducing offences. But crime was nevertheless very heavy. No less than 27,600 cases were reported under the Indian Penal

Code, and 2,955 under other laws, such as the Abkari (Excise), Salt, Opium, Police, and Arms Acts. Of the Penal Code cases, 9,938 were held to be false, whether maliciously so, or on account of mistakes of law or fact. Thus there were 17,662 true cases under the Code. Of these only 4,975 ended in conviction. The reported cases included 329 murders, 143 culpable homicides, 222 dacoities, 665 robberies, and 5,949 cases of house-breaking or lurking house-trespass. The number of true murder cases was 237 ; and of these only 92 ended in conviction. True dacoities numbered 158 ; and of these only 40 ended in conviction. The total number of persons arrested for offences under the Penal Code was 21,591 ; and of these 11,021 were convicted. All the above figures relate to cognizable cases only. The amount of property reported to have been stolen was Rs.1,306,867, and the amount recovered by the police was Rs.399,949.

Here are a few figures dealing with the discipline of the police. The strength of the force in 1907, in the Bombay Presidency, stood at 1,556 officers and 20,252 men. Of these, 13 officers and 179 men were dismissed for misconduct. The number punished departmentally otherwise than by dismissal was 148 officers and 1,623 men. Sixteen officers and 155 men were convicted by magistrates for various offences. The average percentage of punishments to total strength was 9·8. Some of the offences were, of course, of a very mild type, the punishment being extra drill. The conclusion that may be deduced from these figures is that discipline was well looked after. The total percentage of officers and men who could read and write was 54·1. The number of men who resigned was unprecedentedly

high, and stood at 1,139. Recruiting was reported everywhere to have become increasingly difficult. The Commissioner in Sind noted that, despite the special attention bestowed on this matter, it was found impossible, even by accepting recruits of an inferior type, to keep the force up to its admittedly insufficient sanctioned strength.

As we know, statistics may be made to prove anything, and Indian police statistics are no exception to the general rule. The controversies regarding the value of the figures that I have quoted, and the deductions that may be drawn from them, are voluminous. What, I think, they may be safely held to prove, is that crime in India is very heavy as compared with England ; that the difficulties of the police are extremely great ; that the Courts, judging by the number of acquittals, are always disposed to allow accused persons the benefit of the doubt ; that consequently the people at large are not suffering from oppression on the part of the police ; and finally that, both from the view of criminal administration and departmental organization, the responsibilities of a district superintendent of police are simply enormous.

All high officers, including the District Magistrate, the Commissioner, and the Inspector-General of Police, are constantly kept informed of the occurrence of crime and of all events of importance. There is a cipher code for telegrams regarding matters which have to be treated as secret and confidential. On certain things immediate information has to be sent to Government direct. These include riots which involve a serious breach of the public peace, particulars being given of the origin or cause of the riot, the persons or class of persons who began it, how it

terminated, or was suppressed, whether cartridges were used by the police, and whether military force was used ; the condition of the place and the feeling of the population on the termination of the riot ; whether further disturbances are expected, and whether adequate precautions have been taken. Other subjects of special report to Government are all collisions between Europeans and natives, including shooting accidents ; outrages which have a political aspect, including acts of violence against persons in authority ; serious encounters with dacoits, in which police or other officers are wounded or killed ; calamities, such as floods or earthquakes, which cause serious damage to life or property ; and all other events which have a political or administrative importance. The list is a formidable one, but it is meant to be comprehensive and to provide for all emergencies. In an average district very few of these special reports have to be submitted in an ordinary year.

I will conclude this chapter with a judgment, *in extenso*, in a very extraordinary case, which was tried by Mr. Hart-Davies, a member of the Indian Civil Service, as Special Sessions Judge of Hyderabad, Sind. Since his retirement Mr. Hart-Davies has for years been a Member of Parliament. This judgment is in many ways an illuminating one. It throws a vivid light on the potential criminality of the East, the reckless disregard of human life, and the risks to which the police are liable. The men concerned belonged to the fanatical Mahometan tribe known as Hoors, who have from time to time given great trouble in Sind. Since the occurrences related in the judgment the members of this tribe have been brought under the Criminal Tribes Act. They have to live in settlements which they may not leave

without a pass. The part of the country in which took place the terrible series of tragedies which culminated in the murder of the two policemen is the vast district known as Thur and Parkur, which is situated between Hyderabad, Sind, and the Native States of Jodhpur and Bikanir. The murder was committed when I was at home on furlough from Hyderabad. On my return to India I was posted to Thur and Parkur in order to entirely reorganize the police of that district. One of my very first duties was to supervise the hanging of the two desperadoes, Bachu and Iso. They were hanged at the village of Sanghur, near the scene of the atrocious crimes that they had committed. They were buried under the public road, so as to prevent all possibility of their co-religionists erecting over the place of interment a tomb or a shrine which would be a focus for the fanatical tenets of their faith. The judgment also shows the application of the sections of the Indian Penal Code, and of the Indian Evidence Act, and evinces the thorough and minute care which is devoted to the trying of cases in India.

*[In the Court of Sessions of Special Joint Judge of Hyderabad.]*

Case No. 31 of 1896.

THE CROWN

*vs.*

BACHU SON OF WARYAM

AND

ISO SON OF TUSIDINO.

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FINDING.

In this case the two accused are charged with murder. The issues to be decided are :

1. Did accused cause the death of the two policemen, Rangho and Abdulla, or did either of them cause their deaths or the death of either of them ?

2. If so, did such causing of death amount to murder ?

As regards the last issue, it may be found at once that the causing of the death under the circumstances must be murder if it is anything. The heads of these two policemen were almost (in one instance quite) severed from their bodies, and they were also shot with bullets. It is clear that the person who cut off their heads and shot at them must have intended to cause their death, so I find the second issue in the affirmative, there being no allegation of any of the extenuating circumstances or exceptions mentioned in Section 300, Indian Penal Code.

The main question is whether the accused or either of them caused the death of the deceased policemen. Now the history of this case is as follows. For some time past this part of the country has been harassed by a band of dacoits who were supposed to be under the leadership of Bachu and Piru, Bachu being accused No. 1 ; and both Bachu (1) and Iso (2) were proclaimed offenders, and a price was put on their heads. This, of course, is no evidence that they committed this particular offence, but it serves to explain some features of the evidence. On the night of January 3rd, 1896, the police-post at Chotiari was attacked ; the two policemen were shot, and their heads were cut off ; and the village was looted. The dacoity being a different offence is tried separately, but the two cases are connected, and both to all practical effect form part of the same transaction,

the murders being a kind of preparation for the plundering of the village. Now no other band of dacoits, as far as people knew, was out then except this band called Bachu's band, and the fact that fourteen men came on this occasion made people to infer at once that it was Bachu's band, which was composed of that number of people, which was attacking the village. One policeman was spared, and he is the sole eye-witness of the murder. There is no doubt that the two policemen were murdered and the village looted, so I think that anyhow, even assuming that the two accused were not the actual murderers, they would be held as responsible for the murder as if they were, if it was shown that they were members of the gang. For there is no doubt that the fourteen men had assembled together to commit an offence; and under Section 149, Indian Penal Code, any member of an unlawful assembly is guilty of any offence which may be committed by any member of it, if it is an offence committed in prosecution of the common object of the assembly. Also the accused persons have been convicted of dacoity committed at this time and place; and under Section 396, under which section they might and should have been charged, if any member of a band of dacoits commits murder, any individual member of the band is supposed to have committed the murder. This, in fact, according to the words of the charge, is the charge; but Section 302 is put in the charge instead of 302 or 396. The addition of Section 396 involves no essential difference to the nature of the offence, and indeed the charge is, that being members of a band of dacoits they committed murder. However, it practically amounts to the same thing which section they are convicted under.

I think it is clearly proved, not only that these two accused were members of a band of dacoits who committed murder, but that they individually did commit, or assist in, the murders, Iso of Rangho and Bachu of Abdulla ; and a conviction for murder, whether under Section 302 or 396, is the same, so it is not necessary for me to make any alteration. But it may be pointed out that the conviction on the capital charge would still stand, even if it were held that the actual participation of the accused in the murders was not proved ; for from the evidence I think it is clear that the two accused were members of the band which attacked the thana and village of Chotiari. However, I hold on the evidence which I now discuss that it is clearly proved that they took an active part in the actual killing of the two policemen. The first witness is the inspector who received a report that Bachu's (1) gang had attacked the village and killed the policemen from one Rahimdino (witness No. 4). He went to the spot, and saw the corpses of the two policemen, and got them examined by the hospital assistant. The hospital assistant is a witness (No. 6), and his evidence leaves no doubt that the two men met their death by violence, and that the proximate cause of their death, both having been wounded by gunshot wounds, was the cutting off of their heads by some one. Then comes the policeman who was spared, Umar, No. 2. He deposes that one evening, after sunset, he heard shots ; he came out of the thana and saw one of the policemen, Rangho, on the ground, and three men attacking him ; and five men ran up to Abdulla, the other murdered policeman, who was brought out. But Bachu (No 1), who seemed to be the leader of the gang, said



it was of no use asking him anything, it was enough that he was a policeman, and that he (Bachu) then cut off his head while two others held him. Umar also deposes that Piru (since shot) and Iso (accused No. 2) and another attacked Rangho, who was on the ground, that Iso struck him with a sword, and Bachu cut his head off, and Iso (2) kicked the head away. But he (Umar) was spared, and Bachu mentioned the name of the gang to him, out of bravado apparently, and sent a defiant message by him to the officers of Government. The dacoits then plundered the thana and took Umar with them to the village, where they plundered some Bunyas' shops. Altogether they stayed some four or five hours in the village, and eventually went off with their plunder and some horses. Now Umar's identification of them is clear; and, considering the length of time, he must have had an opportunity of seeing the dacoits, for, though it was night, there were lights about and a fire outside the thana, and the moon rose before they went away. I see no reason to suppose that his identification was not complete. I now come to the doubtful features of his evidence; but on the whole I may say here that, though a rather stupid man, Umar impressed me with the idea that he was speaking the truth.

His statement was taken down the next day by the third-class magistrate; and in that, no doubt, in giving the lists of dacoits, he omitted accused 2, Iso. He says that he forgot him. I do not think this is important. No doubt his nerves were shaken by what he had gone through, having been in instant fear of his life for some five hours the evening before. He also stated that "one of the gang" struck Abdulla and cut off his head, not mentioning Bachu (1) by

name, as he does now. He also did not mention Iso by name as having struck the deceased Rangho, as he does now. The other points are of minor importance. He said at first that Rangho was dead when he was struck. As he did not go near him to see, he could not possibly have known this, but, seeing him lying motionless after he was shot, he very likely inferred that he was dead.

He now says, what must be true, that he did not know whether he was dead or alive. The medical evidence goes to show that Rangho must have been alive when his head was cut off, and that the cutting off of his head caused his death. The blood was coagulated at the wound, which shows that it was inflicted while the man was still alive. I do not think this confusion of statement is a matter of the smallest importance. Before Mr. Lucas also he stated that he had heard the cries of women in the shop when the dacoits were looting it. Now he says that he heard the cries of children only. This is a trifling matter. I only mention it, as I wish to bring out all the possible doubtful points in his evidence. The only serious point on which the counsel for the accused dealt is the fact that the accused persons were not mentioned by name as having actually struck the two policemen when Umar made his first statement on January 4th. This point was rightly dwelt on by the counsel for the defence; and I may here mention that the accused persons were defended most ably by Mr. Khushiram, who omitted no point which could tell in their favour. But after some consideration of this matter I do not think that the fact invalidates Umar's present testimony at all. In the first place he clearly stated that Bachu was there and described his dress, and in

the next place it must be remembered that he only got the names on the evening of the murder from hearing the band named by the leaders, one of whom was Bachu himself, and from hearing the dacoits address each other.

On the following day, when, as I said, his nerves were shaken, he might very well have found himself unable to affix names to exactly the particular persons who did particular things ; and so he merely said " one of the gang " did such and such a thing. But both Bachu and Iso are remarkable-looking men, and men whom, when one had once seen them, one could not be apt to forget. Bachu is rather a superior-looking man, with a very prominent nose and wild eyes ; and Iso is a short and a remarkably ugly-looking man. Both are men who would arrest attention, and whom one would remember ; and when Umar subsequently saw them in custody I can quite understand his saying, " This was the man who did such and such a thing, and now I know their names are Bachu and Iso." So I do not think that the fact that he did not mention them except as " one of the gang " on the next day and after at all invalidates his clear testimony that these were the men who actually struck Rangho and actually cut off Abdulla's head. So, on the whole, it is proved on the testimony of Umar, coupled with the other evidence in the case, not only that the two accused were there and took part in the attack, but that they actually were the perpetrators or assistants in the murder.

The next witness is Manghan, and, though he is properly speaking a witness at the dacoity, I called him in this case in order to show that the two accused were there and took part in the general attack on the village. His shop was plundered by three dacoits.



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He identifies both the accused as having come to his shop, and, as I stated, they are most easy to be identified and remembered. He says that Bachu (1) was the leader with Piru, and that one of the gang told him that they were Bachu and Piru and his party, that they had killed the sowars, and that they would kill him unless he gave up his property. As the dacoits stayed at the shop for some hours, he had plenty of time to recognize them, as the dacoits affected no concealment. He saw Umar (witness No. 2), who was there under guard by the dacoits. Then comes Rahimdino (4), who gave information. Umar told him that it was Bachu and Piru's gang, and that they had killed the policemen, which fact he reported to the inspector. Then comes the Mukhtyarkar \* and second-class magistrate (5), and he deposes to the identification. Both Umar and Manghan had deposed that after the accused were arrested they had been sent for, and a number of men placed before them, out of whom they picked out the two accused on different occasions.

The Mukhtyarkar deposed that everything was duly done in his presence, and that men of the same height and size as the two accused were mixed up with the accused on the two different occasions, and that the witnesses picked the accused persons out. Now these identifications, unless conducted with precaution, which the police are most unlikely to take, are not worth much; there are so many ways of rendering them a certainty for identifying witnesses. However, taken with the other evidence, and the fact that both accused are singular-looking men, this part of the case may be taken for what it is worth, which is perhaps not much.

\* The equivalent, in Sind, to Mamlatdar.

Lastly comes the evidence of the trackers. Now the evidence of trackers in Sind has always to be looked at with some suspicion ; it may be of course of the highest possible value, or it may be worth nothing beyond the bare word of the interested witness who gives it. In this case the evidence of the tracker is, I think, valuable.

In the first place he gave his evidence in a way which impressed me with an idea of his truth ; and he clearly was a tracker of great experience and ability. The accused Bachu had disparaged his talents, but expressed a strong disinclination to have his faculties put to the test by a trial outside the court, to see if he could pick out the two accused's tracks from among others. So, as the accused objected, I dropped the idea, but drew my own deductions from his reluctance. He states that he was always in the habit of observing people's tracks, and knew Bachu some eight years before, when he had noticed his tracks, which were light and flat-soled. He (the witness) had been called in all the dacoities and murders which had taken place in this district during the last few years, and had always noticed Bachu's (1) tracks in them, and had told Mr. Hume and other officers that Bachu was in these affairs. He also deposed that on this occasion he saw Bachu's tracks again among the party whom he traced after this Chotiari dacoity as far as the Roondhar sandhills near the Makhi Dhand, and he was sure of his man. Of course, since Bachu's arrest he had opportunities of verifying his assertions. I think on the whole that this man was speaking accurately, that he did know Bachu's tracks, and that he did see them on this occasion, and this strengthens the case to some considerable extent. As to Iso (accused No. 2), he did not know

his tracks before, but he saw some tracks on this occasion, and on seeing Iso (2) after he was arrested, he can state from memory that his tracks were among the party who left Chotiari with their booty on this occasion. This, of course, is not so strong as the evidence against Bachu (1), but it is entitled to some weight, as he describes the marks, which showed an instep slightly curved.

That is all the evidence for the Crown, and it leaves no doubt on my mind that the accused are both guilty of the murder. Bachu's defence is that he was in Marwar during the last few years. He calls no witnesses to prove this. He says that he heard that the people were being harassed, and that his name was mentioned, so he came and gave himself up to Government; why he should do so if he was a perfectly innocent stranger, he did not explain. The fact is, that it was only after nearly all his gang had been shot that he gave himself up, probably with the hope, as he himself states, of securing lenient treatment.

Iso's defence is that four or five years ago he was convicted and got four months. But he heard the police were after him afterwards, and so ran away and wandered about till, finding he could not support himself, he gave himself up. Why he did this, he does not explain. He surrendered after Bachu, whose gang had almost ceased to exist.

An accused person is of course not to be prejudiced by the feebleness of his defence. The prosecution have to succeed by the strength of their own case; but the fact may be noted that the accused have practically no defence at all. I think on the whole it is clear that the accused were active participators in the doings of the gang, that Bachu was the leader,



that the gang attacked Chotiari, and that Bachu and Iso both took an active part in murdering these unfortunate policemen. The assessors, both elderly gentlemen of considerable intelligence, who listened to the evidence attentively, bring in the two accused guilty of murder, and in this opinion I concur. I can see nothing in the case to justify me in passing any but the extreme sentence of the law. The murders were cold-blooded, cowardly, and brutal to the last degree, without one single extenuating circumstance of any kind, and committed from the basest of motives, with circumstances of extreme barbarity, by the members of a gang of ruffians who had infested this district for some time past.

#### FINDING

The Court, agreeing with the Assessors, finds that Bachu son of Waryam, and Iso son of Tusidino, are guilty of the offence specified in the charge, *i.e.* that they have committed murder, and have thereby committed an offence punishable under Section 302 or 396 of the Indian Penal Code.

#### SENTENCE

And the Court directs that the said Bachu son of Waryam, and Iso son of Tusidino, be hanged by the neck till they be dead. Subject to the confirmation of the Sadar Court. They are told to appeal to the Sadar Court within seven days if they wish to do so.

(Signed) T. HART-DAVIES,

1st August 1896.

*Judge.*

## CHAPTER XVII

### CRIMINAL TRIBES

ONE peculiarity common to all tribes that are generally classed as criminals is the multiplicity of names by which they are known. For instance, the inveterate thieves usually denominated Pardhis are also spoken of as Takaris, Takenkars, Phas Phardis, Langoti Pardhis, Haranshikaris, Advichanchers, and Chigribatgirs ! The mere existence of such a variety of aliases might be adjudged sufficient to brand its possessors as incorrigible malefactors. The criminal Pathans, who look on the plains of India as created for the particular purpose of their happy hunting-ground, are no exception to the rule. Belonging for the most part to the independent or semi-independent tribes on our North-West Frontier, they hail from Swat, Buner, Bajaur, Tirah, and the neighbourhood of Kandahar and Peshawer. In their own homes they may be Yusufzais, Mohmunds, Afridis, Suliman-Khels, Ut-Khels, or what-not ; but in India, while they are known generically as Pathans, they are often, more or less indiscriminately, termed Rohillas, Kabulis, Peshawaris, Khans, Afghans, Push-tunis, Peshinis, or Kandaharis !

There are many thousands of Pathans in India. Some of them lead an absolutely nomadic life. They used to seem to me to wander to and fro, whether

singly or in parties of three or four, just as the spirit moved them, without any particular reason for their coming and going. Some remain in India for a short time only. Others spend most of their lives in the country, but at more or less irregular intervals pay visits to their old homes. Others entirely sever their connection with the land of their birth, and settle down in Indian villages, marrying with local women. The descendants of these make out that they are British subjects, or that they own allegiance to the Amir of Afghanistan, or to some other potentate, or to no one at all, as it may suit them best at any particular juncture. The Pathan is distinguishable at a glance. He is a far bigger man than the ordinary native of India, and strong, muscular, and robust in proportion. His loose flowing costume, which is often filthily dirty, and the voluminous puggree which forms his head-gear add to the effect of the superiority in height and breadth with which nature has endowed him. His fair and ruddy complexion, so different from that of the inhabitants of the land, makes him still more conspicuous. His demeanour is haughty and overbearing. In character he is avaricious, treacherous, and entirely unscrupulous. He is looked upon generally with aversion, frequently with terror. But those who thus regard him will not hesitate to employ him when it suits their purpose; and they are ready to fall victims to his wiles.

Most of these Pathans have, as their ostensible means of livelihood, some avocation which is recognized as a legitimate one. This makes it exceedingly difficult for the police, whenever they may find it desirable or necessary in the public interest, to run in a burly ruffian before the magistrate for security for good behaviour. There is always the

defence, which is undeniably true, that he is a bona fide man of business in one direction or another. He has of course debts due to him in connection with his business ; and, because he not unnaturally seeks to recover these, his creditors, with a view to evade their liabilities, have brought these infamous charges against his unblemished reputation ! Pathans are certainly very versatile in the lines that they strike out. Some of them undertake contracts for earth work on railways or canals ; others set up tea-shops and refreshment stalls ; and others again make a living as itinerant knife-grinders. Many are hawkers of cloth, asafoetida, cheap cutlery, drugs, and dried fruits which are said to possess a medicinal value, rings, stones, and cheap jewellery. Frequently they do a considerable business in the sale of cloths and shawls. The cloth-merchants are also as a rule money-lenders. They like to sell their goods on credit. The price asked is high ; but the idea of being able to satisfy his wants without any immediate payment is one that easily captivates the ordinary villager. It will be long before he is called upon to settle the bill, and a thousand things might happen to prevent the benefactor from ever coming again. If cloths and shawls are not a sufficiently attractive bait, then a loan of money is pretty sure to take effect, and get Bapoo into the clutches of Hajji Abdul Rahman Khan. But when, usually after the harvest season, the Pathan comes round to collect his dues, with the interest thereon, there is tribulation. The travelling merchant who was so affable, persuasive, and glib of tongue when he sold his wares, or advanced his money, is now a stony-hearted Shylock, who will have his pound of flesh, and a bit more. If intimidation, threats, and oaths are insufficient, he resorts

to physical force and even wrongful confinement. The timid cultivator dare not resist. He pays the money somehow, if necessary raising a loan from the village money-lender. When the Pathan is at a safe distance he summons up courage and reports the matter to the police. The erstwhile benefactor has by this time made himself scarce, and the police cannot find him. If they do, there are several difficulties. In the eyes of the Hindoo one Pathan is so like another that identification is difficult. If it is proved that any particular Pathan was the man who did the deal, Bapoo has to admit that he had owed money to him and had made objection to paying it. This does not exactly strengthen his charge of ill-treatment. Further, Bapoo, in order, as he thinks, to ensure conviction, invents such a fabulous cock-and-bull story that it is impossible to place any credence upon his statements. Thus the Pathan's trade continues to flourish and prosper exceedingly. Such a reputation have Pathans established as collectors of dues, that Hindoo money-lenders will employ them to realize their outstandings. A money-lender will hand over to a Pathan acknowledgments of money due amounting in the aggregate to, say, a thousand rupees. The Pathan pays the capitalist nine hundred rupees down, the balance of one hundred, upon realization, forming his profit. It is not unlikely that by one means and another he will manage to rake in a good deal more than the amount actually due, and so swell his own percentage.

All this gives trouble enough and to spare to the police. But this is by no means the sum total of the Pathan's machinations. The cloth-selling and money-lending may bring him in considerable profit, but not enough to satisfy his aspirations. His

profession gives him admirable opportunities of learning where money and treasure are kept. To make these his own he will steal, burgle, and rob, and occasionally commit dacoity. Pathans travel enormous distances to carry out their schemes. It is nothing out of the common for them to cover sixty miles in a day by road. A party of these gentry, after committing a serious dacoity in a Hindoo temple, walked no less than a hundred and fifty miles in two days. They will travel hundreds of miles by rail on their errands of crime. When challenged, they are always ready with a false account of their movements, and they will give any names and addresses which happen to come into their heads. Dacoits are proverbially brutal in their methods; but Pathans, when engaged in this form of crime, are absolutely regardless of life, and stop at no torture which may induce a householder or guardian of a temple to show the place where his valuables are hidden.

Beneath the flowing garments of a Pathan house-breaking implements are frequently concealed, and the most innocent-looking packages may contain arms and ammunition. A railway passenger was carrying a bundle tied up with bright-coloured handkerchiefs. It contained, according to his statement, a copy of the Koran. The weight of the bundle, however, excited suspicion, and it was opened by the police. Between the leaves of the sacred volume there were discovered a revolver and fifty-nine cartridges. More than a hundred cartridges have been found concealed in the stuffing of a pillow upon which a Pathan was reclining in a railway compartment. On the whole, the Pathans may not incorrectly be described as undesirable aliens.

The Bhamptas are a tribe who give an infinity of trouble. Their home is in the Deccan ; but there is no limit to their field of operations. They work all over India, travelling even to Assam ; and no railway is immune from the Bhampta pest. They constitute a very low and debased class. They will eat anything, even a scavenging pig. The food that people eat in India generally determines their rank in society. Hence we English, who eat beef and ham, are looked on as "mlecchas" or outcastes by Hindoos, and as Kafirs or infidels by Mahometans ! According to the census of 1901, Bhamptas numbered only about twelve hundred, a mere handful of their real total. The majority probably returned themselves as Mahrattas, or Hindoos of other reputable castes. They are a wiry, active set of people, of light build, and in height below the average. In their proper costumes they look like ordinary peasants. When on their thieving expeditions, they frequently disguise themselves as well-to-do Mahrattas, and make out that they are on pilgrimage or sight-seeing. Sometimes they get themselves up as prosperous Marwari, or even Lingayat traders ; and at others as mendicants or as wandering minstrels. They do not lead a gypsy or nomadic life. They settle down for years at a time in a village that suits their fancy ; and some of them, when not absent for their nefarious purposes, amuse themselves by cultivating land and keeping cattle.

The Bhampta is a marvellously skilful pickpocket and railway thief. He frequents fairs, landing-places, bazaars, temples—any place, in fact, where there is a crowd. He is always on the look-out for his prey ; and an intelligent policeman can identify him by the restless way in which he constantly turns his

eyes on to one person after another, taking stock of all possibilities. Bhamptas are trained to crime from their early childhood, so it is not wonderful that they should become very expert. The children are initiated into the profession of their life by lessons in the pilfering of shoes, cocoanuts, and any odds and ends that they may come across. If they are slow or stupid they are encouraged to improve by the application of a stick. The boys soon become adept. They will entice away other children by gifts of sweetmeats, copper coins, or bhorangis (hopping insects) tied to a thread, and in some sequestered spot relieve them of their ornaments. Adults generally work in small gangs of three or four. One of them stealthily removes an ornament from some one in the crowd, or adroitly picks a pocket, or, by jostling his victim, boldly snatches his bag or satchel, and instantly passes his booty to one of his accomplices, who in turn passes it on to another; and in an incredibly short space of time the stolen property is far away. If the injured person taxes the culprit with the theft, there is nothing in the appearance of that innocent-looking individual to confirm the accusation, and nothing is found upon his person if he is searched. The virtuous Bhampta then waxes eloquent and indignant at the aspersions on his character. Frequently a traveller indulges in a siesta by the roadside, and uses his bundle as a pillow. Here is an opportunity for the Bhamptas. One will prick the feet of the sleeper, who starts up to see what has bitten him. Quick as thought the thieves seize his bundle, and before he is properly awake they are a long way off. Again, a Bhampta sees a well-to-do person in the street. He makes a great show of brutally beating a small boy. The boy



screams and yells, and rushes for protection to the prosperous-looking stranger, who shields the child and expostulates with the Bhampta. The latter in apparent anger snatches away the boy from his protector, while the young rascal, who has been well trained, kicks and struggles for all that he is worth. The sympathizer has had enough of it, and is glad to let the youngster go. Later on he realizes that his purse has disappeared.

It is on the railway that the Bhampta delights in exercising his wits. Two or more of them will enter a third-class compartment, and as their fellow passengers begin to drop off to sleep and settle down for the night, their work begins. Various bags have been deposited beneath the seat. One of the Bhamptas lies down on the floor and covers himself with a cloth, under the pretence of going to sleep. His confederate puts his feet on the opposite seat, and spreads out a cloth over his legs, thus concealing the man lying down. When all is quiet, the man on the floor takes from his mouth the tiny curved knife which all Bhamptas carry concealed between the gum and the upper lip, and, ripping the seams of the bags, extracts any valuables that they may contain. If time and opportunity permit, he deftly sews up the seams again. He passes up what he has stolen to his accomplice. At the next station both move into another carriage, and very likely find fresh victims there. If the least alarm is raised, they throw the property out of the window. They count the number of telegraph poles to the next station, whence they walk back and pick up their spoil. Sometimes they employ other tactics, and steal the bags and bundles of sleeping passengers. In 1898 a Bhampta actually stole a valuable travel-

ling-bag the property of the Governor of Bombay from his Excellency's saloon carriage on the Southern Mahratta Railway. The loss was not discovered until the next morning. It was not until several months later that the police detected the offender, who was convicted of the theft. The bag was found in his possession, but it was so mutilated as to be valueless.

When I was in charge of the Great Indian Peninsula Railway Police, in 1890, the Bhamptas caused me a great deal of trouble. I venture to think that I also caused some of their number considerable trouble. The Bhamptas have a remarkable system of signs by which to warn one another. If a Bhampta wishes to intimate that there is danger, he does not point with his hand or finger, nor does he even look in the direction from which it may be expected; but, while raising his arm and making a pretence of stretching his head, he points with his elbow. If while awaiting the arrival of a train in which he expects friends he becomes aware that the police are watching him, he twists one end of his shoulder-cloth round one of his arms, to show that he is "tied up." This is a signal not to claim acquaintance. If he means to convey to his friends that it is not safe for them to alight, he scratches his head and works his elbow in the direction in which the train is moving. His friends are thus informed that they should continue their journey in the train.

In the Bijapur District of the Bombay Presidency there is to be found a very peculiar degraded class of Mahometans known as Chupperbunds. They are also spoken of as Fakir coiners. These people originally belonged to the Punjab, more especially the country around Delhi. They number in all about two thousand six hundred souls. Leaving their

women at home, the males wander about for many months at a time. They commence their touring season a little after the Mohurrun festival. Nowadays special measures have been taken to induce the tribe to take to agricultural pursuits, and their movements are checked by a system of passes. Some degree of success has been obtained. Formerly it was not uncommon for every male Chupperbund to be absent from home during their business season. Like Pathans, the Chupperbunds can walk miles and miles in a day. They always work and travel in gangs. They start from their villages dressed in their everyday garb. After travelling some distance each transforms himself into a typical mendicant. He wears the regulation beads, invokes the usual pirs or saints, and adopts the sawal or sing-song whining manner affected by beggars. He carries the characteristic bag for alms, beggar's bowl, and small tongs. He occasionally indulges in pony lifting and kidnapping, and he is versed in more than one variety of the confidence trick. But the first and foremost profession of this curious tribe is that of coining. The profits that they make are by no means insignificant. A gang has been known to earn nearly two thousands rupees in the course of one tour.

The Chupperbund's stock in trade is a simple one. It includes a pair of scissors, a broad-bladed knife, tongs, pincers, a spoon or ladle, earthen bowl or pot, a file, some needles (concealed generally in a small bamboo tube), linseed oil and gum, a mixture of copper and tin from which to counterfeit rupees, a small grindstone, a blow-pipe, and a few other articles. Chupperbunds manufacture their false rupees in the course of their tour. They never make many

at one time, and they select out-of-the-way spots for the operation. The first procedure is to prepare a mould. This is done by taking a good rupee, oiling it, and placing it between two discs of sticky clay. The clay is pressed round the coin to the depth of about a quarter of an inch. The rupee is extracted through a slit made in the outer edge. The slit is filled up, with the exception of a small opening for the reception of the molten metal. The mould receives a few finishing touches, and, after being dried in ashes, is ready for use. An ordinary mould can turn out ten to twenty rupees; a good one, fifty or even more. Besides its cheapness the mould has another advantage. If the coiner has reason to think that the police are after him, he can easily destroy it and reduce it to dust. The coins turned out are of course crude, but with a little milling and touching up with a knife or file they are sufficiently good to impose upon credulous and ignorant village folk. The Chupperbunds' methods of passing their coins are as crude as the coins; and how they can succeed over and over again almost passes understanding. They do succeed, as I knew when I was stationed in Bijapur in 1883, and from time to time later on, when I met these enterprising tricksters on their visits to other districts.

The Chupperbund prefers to select a woman as his victim. He asks her to give him a rupee in exchange for a rupee's worth of coppers, promising her a pice or so by way of commission. The holy fakir, as she takes him to be, looks at the rupee which she hands to him, and with well-simulated surprise says that it is not current in his country, and expresses his inability to accept it. He takes his coppers back, but in lieu of the woman's good rupee he palms off

on her by sleight of hand one of his own counterfeits. Again, he will enter a shop and make a few purchases, displaying some genuine rupees. When the time comes for payment, he substitutes the base coins that he has moulded. Innumerable opportunities occur in the course of petty bargaining at bazaars or fairs for disposing of worthless coins by sleight of hand. When the police get a clue to the whereabouts of an active gang of these coiners, they are aware of the necessity of arresting and handcuffing all the individuals at one and the same time, and making each individual sit down at a distance from any of his fellows. If a policeman is inexperienced, and neglects this precaution, one of the gang starts a sham quarrel, in which all the *soi-disant* holy men join in. In the confusion that arises they take the opportunity of throwing away their moulds and counterfeits. This little dodge is prevented by placing the several members of the gang at a safe distance from one another until each has been searched. One of the endless peculiarities of the East is that the patel or headman of the village where Chupperbunds reside will always do his best to protect them, and mislead the regular police as to their whereabouts.

There is a very low-caste tribe known as Mang-Garoodis which infests the Deccan. They are of the gypsy type, and lead an entirely nomadic life. They are so dirty in their persons and clothing that their proximity is most offensive. They are notoriously quarrelsome and utterly lazy. They wander about in gangs which may number as many as eighty, all told. They move from village to village, being careful to avoid the police-posts. They take with them cattle, ponies, and dogs. For their dwellings they have portable huts of grass or mat, using barren

she-buffaloes as their means of transport. The men are very fond of drinking to excess ; and they will eat any kind of flesh except that of horses or donkeys. Their ostensible means of subsistence are begging, which in India is regarded as a legitimate profession, performing conjuring tricks of the rudest description, trading in half-starved buffaloes and ponies, and, most curious of employments, shaving buffaloes for the villager. Their real occupations are less innocent. Men, women, and children, are inveterate thieves and pilferers. They habitually steal agricultural produce, and graze their animals in fields of corn in the vicinity of their camp. Remonstrance is met with abuse and blows. The women are adepts at appropriating clothes that are put out to dry. The men are cattle-poisoners, and cattle-lifters, buffaloes, goats, and sheep being the objects that they most fancy. They will delude owners of barren she-buffaloes with promises that they can make them fertile if they are allowed to take them away for a month or so. They pay the owner a few rupees in token of their good faith. But the owner sees his animal again no more. They will alter the appearance of stolen cattle by trimming the horns, altering the brands, and faking in other ways, so that recognition, or at all events proof thereof, by the rightful owners is impossible.

What are the police to do with gangs of such people? All I can say is that they do their best in the way of escorting and watching them, warning the villagers to have no dealings with them, arresting individuals whenever they get evidence against them of some specific offence, or, if the villagers will only come forward as witnesses, sending up some of the number for security for good behaviour under Chapter VIII

of the Criminal Procedure Code. But all this is most difficult. The villagers are ready enough to complain in general terms of a gang, but most reluctant to substantiate their statements in a magistrate's court. If any arrests are to be made, a fair number of police is required. One or two would be helpless. The men will assault them, and bring false accusations against them, injure themselves or their children, and make out that the police have cruelly entreated them. A man will seize a child by the legs and swing it round at arm's length, threatening to dash it to the ground unless the police move off. The women become very boisterous and violent, and create scenes to embarrass the police. They will—but some things that the police have to put up with are best left unwritten.

Another nomadic tribe is that known generally as Kaikadis, or Korchas, but which has, as usual, many other designations. In the Bombay Presidency alone these people numbered over twenty-six thousand in 1901. They are very degraded, and extremely criminal. They are above petty theft; but burglary, robbery, and dacoity are offences to which they are specially addicted. Dirty and untidy in appearance, they eat every kind of flesh except that of the cow or buffalo; and both sexes are excessively fond of intoxicating drinks. They rove about the country, carrying their folding huts on donkeys; and they are accompanied by cows, bullocks, asses, dogs, monkeys, and pigs. The men make a pretence of earning their livelihood by blowing a rude musical instrument called a pungi or blow-gourd, and by making monkeys perform; and the women by telling fortunes. Sometimes they weave baskets and mats for sale, and repair grinding-stones.

Kaikadis look upon robbery and dacoity as their hereditary profession. To pick up information they will disguise themselves as jungums (Lingayat priests), fortune-tellers, medicine-men, and shepherds. They will travel many miles to commit a dacoity. They sometimes engage a bullock-cart for part of the journey, and tie a goat to the tail of the cart to give the impression that they are innocent travellers. They are very superstitious, and never start on an expedition unless the omens are favourable. Before setting out on one of their raids they enjoy a feast and indulge freely in liquor. Like the Thugs of old, they are votaries of the terrible goddess Bhawani, and propitiate her for the success of their enterprise. If a robbery or dacoity has been perpetrated with exceptional violence, it is pretty safe in large areas of the country to put it down to Kaikadis. The investigating police look about to see if freshly cut bamboos have been left behind by the dacoits, or if betel-nut has been spat about, or shoes stolen from the house. If they observe these things, they feel certain that the criminals were Kaikadis. Why these people, when making off with considerable sums of money, should trouble themselves to steal shoes is a thing regarding which I could never get any information. Presumably there was some superstition connected with the practice.

The difficulties in the way of detecting a dacoity and bringing it home to the guilty persons are extreme, and I always wondered why this particularly remunerative form of crime was not greater than it was. The circumstances of a dacoity are so disconcerting, not to say terrifying, that the inmates of a house which is attacked are not unnaturally so confused and overwhelmed, that they are



unable to take stock of the assailants for purposes of recognition upon oath in a court of law. I imagine that even in an English village the invasion of a house at dead of night by a gang of some twenty ferocious and desperate men, whose faces are disguised, some of whom carry arms and the remainder big sticks, would cause no little consternation. The timid householder and his family are aroused by the explosion of bombs, terrifying yells and shouts, assaults upon the door with ponderous logs of wood, and showers of stones. In these dreadful circumstances their sole idea is, if possible, to conceal themselves. But this is useless. The door is smashed in; the inmates are hauled out of their hiding-places, and beaten or tortured until they point out where their valuables are kept. When the police come to investigate the case, the terrified people are either quite unable to describe the dacoits, or they spoil the whole case by naming any persons with whom they happen to have been on bad terms!

However, in spite of all difficulties, cases are detected, the offenders arrested, and property recovered. It is not always easy to keep prisoners who have been arrested. The lock-ups attached to remote police-stations are sometimes not very secure, and a number of strong, desperate men, confined for the night in a comparatively small room, may at times contrive to break out. Kai-kadis adopt all sorts of ruses to effect their escape. Recently, thirteen, one of whom had confessed, were in a lock-up. In the course of the night the man who had confessed raised the most piteous cries, and begged the sentry on duty outside the lock-up to put him in a separate cell, as the other prisoners were determined to take his life in revenge for his

having given information. The sentry looked in, and saw that the prisoner was being very roughly handled. Being an inexperienced man, the constable, in defiance of standing orders, without rousing the head-constable and the rest of the guard, opened the door to extricate the Kaikadi who had incurred the enmity of his associates. This was what they had all wanted, and expected. A chatty, or earthen pot, was dashed in the sentry's face, and all the accused got away.

Throughout India I have found that weavers are generally regarded as evildoers. In Orissa there is a tribe called Pans, whose hereditary occupation is weaving. Theft is also an hereditary instinct with them. In parts of Orissa the Pans form as much as twenty per cent. of the population. These have so bad a reputation with their neighbours, that the worst term of abuse that can be offered to a respectable man in that part of the world is to call him a Pan. At the same time, when it is made worth their while, they can be honest. They are strong and plucky, and consequently their services are to some extent in request. If a zemindar requires a few able-bodied retainers to assist him in a dispute about land, he engages Pans. A cartman travelling at night finds it useful to have an escort of Pans. Known from time immemorial as a thief, a pilferer, and occasionally a cattle-poisoner, the Pan used to be nothing worse. But it is very curious, and also very unfortunate, that in the last quarter of a century or so he has become very much worse. The cause of this is most regrettable. In former years, when convicted of theft, he put in a certain amount of time in a jail in his own neighbourhood. There he associated with criminals of his own type and nation-

ality, and came out neither worse nor better than when he went in. But the modern tendency is to do away with small jails, and send all prisoners to large central prisons. Here the Pan came into contact with professional burglars, robbers, and dacoits of the most dangerous types. So he became equipped with a liberal training and education in crimes such as he had never aspired to. On his release he imparted his newly obtained knowledge to his brethren, and gangs of professional Pan dacoits speedily came into existence. In 1902 a Pan named Nata Naik organized a daring band of dacoits. At one place they beat a head-constable to death on the high road. They handled other members of the force very roughly, and for two years made the main roads impassable at night. Government was compelled to sanction a special police-force to deal with the pest. Nata's gang was broken up, and twenty-five of its members were sentenced to long terms of imprisonment and transportation. But other gangs of Pans have since been organized, and have caused considerable trouble. As with the Chupperbunds of Bijapur, efforts are being made to reclaim the members of this tribe by inducing them to take to cultivation, and by introducing a system of passes for the regulation of their movements. Like other criminal tribes, for instance, some old friends of mine, the Jagirani cattle-thieves of Upper Sind, the Pan is a positive lawyer in court. Though utterly uneducated he has managed to pick up all the sections of the Criminal Procedure Code which relate to adjournments, appeals, the right of cross-examination, and other points which are of assistance in conducting his defence.

In the United Provinces of Agra and Oude there

is a tribe known as Haburas, which supplies some of the most audacious criminals in Northern India. A vagrant thieving caste, they claim to be descended from the aristocratic Rajpoots. They worship the unholy goddess Bhawani. They will in no circumstances take any medicine, but, when ill, pray to a goddess known as Devi Zahir Pir. They are very superstitious, and are particularly afraid of the evil eye. If they think that they are under the influence of this power of evil they get a fakir, or jogi, or some religious man, to blow on a vessel of water. The vessel is then waved over their heads, and the effects of the evil eye are warded off. In the words of a recent report, they are the pest of the neighbourhood which they frequent, continually pilfering, stealing from standing crops, attacking carts and passengers along the road, and committing robberies and even dacoities. The boys are trained first in field robbery, and are then taken out on excursions for the purpose of burglary. Haburas are neither courageous nor violent. It requires at least twenty of them to acquire confidence enough to rob a field, and not less than eight or nine to commit a burglary. If a crime is traced to them, their headman determines who is to be given up. A compromise is usually effected with the police, two out of six, or three out of eight being handed over to justice on an understanding that the rest are not to be interfered with. It does not necessarily follow that the persons given up are guilty of anything at all. The headman repeats a form of words and places some grains of wheat offered to Bhawani on the heads of the scapegoats. The oath of the brotherhood is upon them; and, guilty or not guilty, they confess to the Court, and submit to the sentence imposed.

These people are nomads and vagrants. As usual with low-caste men, they will eat anything except the flesh of cows or donkeys. Both men and women wear the merest modicum of clothing that civilization can tolerate.

Northern India is the home of the Bowris or Bau-riahs, a tribe, or collection of tribes, which yearly sends forth a legion of skilful and determined thieves and plunderers over the whole of India. Some of the subdivisions of Bowris, such as Dehliwals and Marwardas, differ from each other very considerably, and it is not easy in a limited space to give a description that is applicable to all the branches of this enormous family. The following sketch is an attempt, so far as may be, to afford a general idea of these dangerous criminals, though some of the details may apply to one division of them and not to others.

Bowris are as a class strong, well-built, of medium stature, coarse features, and dark complexion. During the rainy season they generally remain in their homes. On the cessation of the monsoon they take to a nomadic life. Some gangs wander about with their families, and the usual assortment of diminutive tents, and ponies, donkeys, and other animals for transport. Other gangs consist of males only. These, as a rule, put up in temples, or the rest-houses known, according to the locality, as dhurum-salas, mozuffier-khanas, or serais. Bowris are not so low in the scale of castes as other nomads. Instances are known of people of good social position becoming Bowris—mostly, it would appear, as the result of a love affair with some attractive Bowri woman. Bowris on their travels frequently disguise themselves as Bairagis, Gosains, or other religious mendicants. They wear the regulation string of beads round their

necks, and carry the usual paraphernalia of tongs and begging-bowl. Their ostensible means of livelihood may be alms. Some of them sell scented oil, mixtures and pills to which are ascribed potent properties, or sacred water from the Ganges which they carry about in an earthen jar.

There is seemingly no crime which these people will not commit. Theft of anything, especially cattle and crops, burglary, highway robbery, and dacoity, the administration of stupefying drugs, form some of the items in their category of offences. They will perpetrate the most ingenious and daring of frauds. In the year 1887 a whole series of crimes at, and round about, Bijapur, committed by Bowris from the north of India, was detected by Mr. Michael Kennedy, then District Superintendent of Police, and now Inspector-General. The ringleader was a man of the most remarkable talent and ability. His name, or the name that he went by, was Baldeodas. He was the spiritual leader of a body of ascetic Gosains, who resided at the mutt, or cloister-monastery, known as the Taj Bauri, a most beautiful edifice in the city of Bijapur. Baldeodas had come to Bijapur about four years previously. He took up his quarters in the mutt, and became the disciple of the priest, an aged man named Doorga Prasad. He was so valued by his superior that he was made his heir; and, on the death of the priest, Baldeodas succeeded to his position as religious leader of the monastery. He was greatly venerated by the inhabitants of Bijapur, and was regarded as a most religious, holy, and respectable man. He even induced the collector to take up a case in which it was represented that wrong had been done to the temple property. He was received freely into the

households of the influential and wealthy residents of Bijapur. This went on for several years, and yet all the time he was nothing but a Bowri thief. As priest of the mutt, an extensive and rambling building with a number of underground rooms and cells, he enjoyed every facility for harbouring his caste-fellows, and directing their operations. Baldeodas and his fellows were sentenced to long terms of imprisonment.

I must refrain from attempting to describe any more of the criminal classes which abound in India. Their name is legion, and it would be easy to write a volume about them. My object has been to show the extraordinary difficulties with which the police in India have to contend. For this purpose I have sketched a sufficient number of the specially dangerous classes. There are many more. Amongst the number there are the Langoti Pardees of the Central Provinces, the Harnis and Bhatras of the Punjab, the Chundrawedis (or moon-observers) of Central India, the Newsarias of the United Provinces, the Jadua Brahmins of Lower Bengal, the Minas and the Oudhias of Upper India generally, and the Banjaras (20,000 in number), Berads (177,000), Katkaris (76,000), Pardhis (12,000), Ramoshis, and Wudders of the Bombay Presidency. This by no means includes all the associations of evildoers. Sind was full of the most inveterate collection of thieves. Conspicuous among these were the notorious Mahometan cattle-thieves known as Jagiranis, of Upper Sind. The leader of these in my time was one Dodai Jagirani. I knew him well. He had been to prison many times, and if he is alive he is probably there now. He was a venerable-

looking old man, and most particular about his personal appearance. His flowing garments were always immaculately clean. On one occasion he went to prison in default of security for good behaviour. The chief witness against him was a zemindar named Ali Mahomed. Dodai vowed vengeance. On his release from jail he sent off one of his numerous sons to the estate of Ali Mahomed with directions to take careful and detailed notes of the description of any of his cattle which were specially valuable. It so happened that Ali Mahomed had lately become the owner of two cows of peculiar excellence. They had been brought from a great distance, and were purchased by Ali Mahomed for a price that was considerably below their value. Here was Dodai's opportunity. Putting on his very best clothes, riding a showy horse, and accompanied by a number of his sons and other residents of his village, all well mounted, he proceeded in state to the police-station at Rohri. He then made a formal and prolonged complaint to Ghoolam Mohidin, the sub-inspector. He related with an interminable amount of detail how, while owing to the machinations of his enemies he, the most innocent of men, had been incarcerated in jail, Ali Mahomed had come to his village and driven off two of his most valuable cows. Here he gave a minute description of the two cows that his sons had seen on Ali Mahomed's grass-land. Dodai had any number of witnesses to the theft. As he expected, Ghoolam Mohidin was somewhat disconcerted. He was reluctant to take action on the word of an old jail-bird like Dodai. At the same time he foresaw trouble if he did not do so. Dodai watched his hesitation, and became eloquently indignant. "What!" he roared. "Is



this British justice? Ask the Captain Sahib, or the Collector Sahib, and see what they say! Because I was sent to jail on false evidence, are my enemies to steal my cattle with impunity? If you doubt my word, go to Ali Mahomed and see my cows that he has stolen. If you refuse to arrest him, is there not Section 221 of the Penal Code, which lays down punishment for such as you who refuse to arrest a person whom they are legally bound to apprehend?"

Ghoolam Mohidin was in a tight place. He thought it best, while considering the situation, to proceed to Ali Mahomed's estate. Dodai accompanied him, and showed to the reluctant sub-inspector the two cows which answered in every detail to the description that he had given. The next thing was to ask Ali Mahomed from whom he had obtained the animals. Ghoolam Mohidin devoutly hoped that he would be able to give a satisfactory account of his ownership, and produce the receipt of the vendor. But that, owing to the not exactly unequivocal circumstances of the purchase, was just what Ali Mahomed was unable to do. There was, therefore, no alternative but to arrest him. After a prolonged trial Ali Mahomed was acquitted; but Dodai had seen his enemy under arrest, and detained in an ordinary lock-up. He felt that he had triumphed!

Possibly this chapter may give the impression that most, if not all, offences in India are committed by members of the tribes or classes especially regarded as "criminal." If so, I must correct that impression. Unfortunately, a considerable proportion of the ordinary inhabitants of every village may be termed potential, if not actual, criminals.

## CHAPTER XVIII

### THE VILLAGE WATCH

IN Chapter IV I gave a sketch of the village watch as it existed in early days. This volume is chiefly devoted to the regular police of India ; but it would be incomplete if I omitted a description of the subsidiary village organization as it stands to-day.

Frankly, I do not like the village police. It is an anachronism, at all events in its present condition and circumstances. Perhaps something might be made of it. But it is nobody's child. It is supposed to be controlled by the district magistrate. This weary Titan, this Atlas borne down with the weight of innumerable responsibilities, cannot devote any time to its supervision. Occasionally he may deal with some particular person or incident. To expect that he can really look after Dogberry and Verges, far less organize them as an efficient adjunct to the regular force, is to demand the impossible. The one man who might introduce order into the chaotic village system, the district superintendent of the regular police, has no lot or part in the matter.

In the Bombay Presidency there is a Village Police Act (VIII of 1867), the provisions of which are, in theory, admirably conceived. A perusal of this Act would convey the impression to any one who had no actual acquaintance with an Indian village that

the completeness and excellence of the arrangements left no room for the operations of the regular police, and in fact obviated the necessity for their existence. The patel, or headman, is to furnish the local magistrate with any returns or information called for, and keep him constantly informed as to the state of crime and all matters connected with the village police, and the health and general condition of the community in his village. He is to communicate intelligence respecting the public peace, he is to prevent, within the limits of his village, the commission of offences and public nuisances, and detect and bring offenders to justice. He is to dispose of the village establishment so as to afford the utmost possible security against robbery, breach of the peace, and acts injurious to the public. He is to report to the magistrate all instances of misconduct or neglect on the part of his subordinates. If any unnatural or sudden death occur, or any corpse be found, within the bounds of his village, he is to assemble an inquest, investigate the causes of death and the circumstances of the case, and prepare a report. He is to apprehend any person within the limits of his village who has committed a serious offence in any locality. Such is the theory. In fact all this is for the most part an elegant fiction.

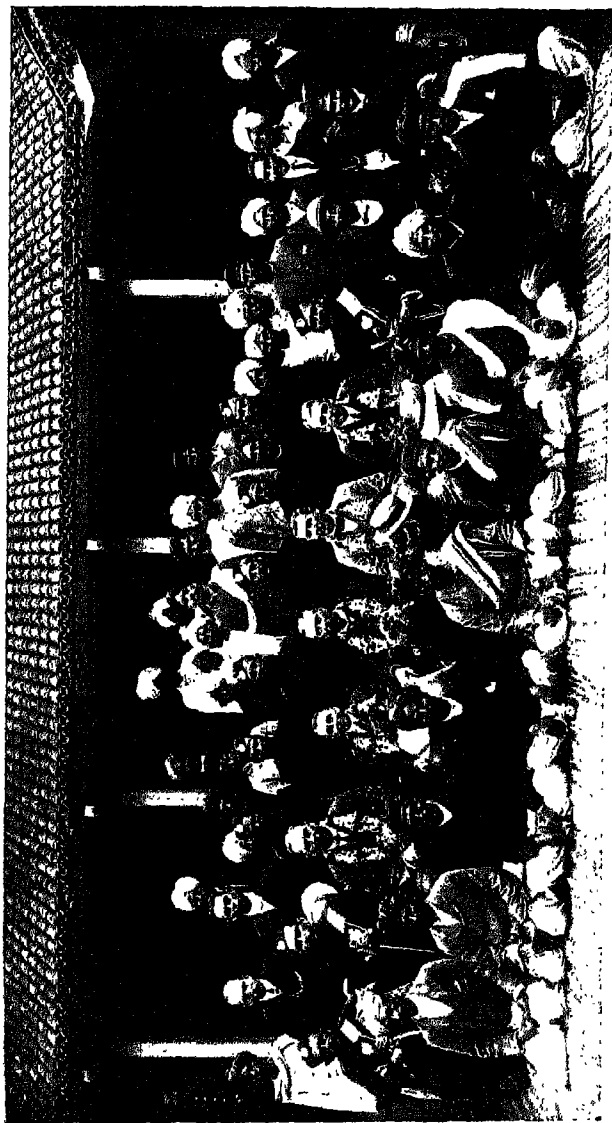
Every patel has, *ex officio*, authority to punish with confinement in the village chauri, for a period not exceeding twenty-four hours, any person charged with committing, within the limits of the village, petty assault or abuse. Further, a patel may be empowered to punish by confinement for forty-eight hours, and by fine, any person charged with committing mischief or petty theft when the value of the property stolen, or the amount of damages

sustained, does not exceed two rupees. He can take similar cognizance of cruelty to animals, and sundry nuisances. This, I repeat, is the theory. In practice the intentions of the legislature have been defeated by the *vis inertiae* and timidity of the individual. Criminal returns show that patels will not use the powers that have been conferred upon them. Nearly every village is divided into two or more rival factions, and the headman shrinks from punishing an offender, lest he should incur the enmity of the party to which he belongs. In the year 1901 there were no less than 14,958 patels who had been invested with magisterial powers under the Village Police Act. This immense body of nominal magistrates tried between them in the course of the year only 3,126 persons! In other words one patel out of five tried one offender in the course of the twelve months. The law is in fact a dead letter.

What like are these village police? They are no smart, well-turned-out, well-trained, and well-disciplined men. They wear no uniform or badge of office. The patel may be a boy of twelve, a decrepit old man, or a person who is in other ways totally unsuitable, and almost always entirely illiterate. In the hereditary right to hold village dignities, in the consequent limitation of selection to certain families, and in the deeply rooted sentiment in favour of the hereditary system, there is an inherent series of difficulties which has hitherto proved insurmountable. A scrap of land set apart generations ago for the support of one or two men who served as watchmen has in process of time come to be looked upon as the joint inheritance of a dozen or more participants, to each individual of whom the value derived therefrom is infinitesimal. Thus the under-

strappers of the "establishment" struggle for a share of a scanty acreage, and expend more energy in endeavouring to recover from the villagers their "huks" or rights, in the way of grain or other commodities, to which they consider themselves entitled, than in carrying out their part of the bargain by keeping watch over houses and farmsteads. The patel himself, who is supposed to discharge efficiently pretty well every function of a civilized government, may receive in return for his services, even in a moderately large village, an acre or so of land, with a nominal cash payment of less than five rupees a year! In some places his emoluments may be greater, in others even less.

I fully admit that the views held about these village officials are extremely divergent. Some maintain that it is frequently the patel and his establishment who bring to light offences the detection of which goes to the credit of the regular police. The more usual view, and the one with which I am constrained by experience to concur, is that, so far from assisting the more disciplined guardians of the peace, they are actually at the bottom of much concerted crime. In Khandesh and Dharwar, amongst other districts, it is a matter of common notoriety that they habitually befriend dacoits and robbers, and frequently take part in their depredations. Even if these charges are somewhat too sweeping, there is no doubt that their active usefulness is exceedingly limited, and deterrent influence practically non-existent. If a village is visited by dacoits, and a determined stand by half a dozen village police would lead to the dispersal or capture of the robbers, the patel and his militia have always unanswerable reasons for not putting in an appearance until the birds have flown.



OFFICERS AND SUBORDINATES OF THE CRIMINAL INVESTIGATION DEPARTMENT, POONA.



The first requisite for a reform of the subordinate establishments is to reduce their numbers to a reasonable figure. In many villages of only a few hundred inhabitants there is to be found a rabble of over a dozen nondescripts whom it is absurd to look upon as police. A couple of men of the right sort, neither mere boys nor decrepit from age, with a modicum of training, and some reasonable degree of remuneration, would be far more serviceable than half a dozen or so of the existing tag-rag and bobtail crew. It is doubtful if a computation of the total number of these so-called village police has even been attempted. As a preliminary to other reforms, it is of the first importance to take stock of the existing material, and to determine the actual requirements of each locality. Steps could then be taken to reduce superfluous numbers, eliminating all persons who are clearly unfit for the due discharge of their functions, and to secure to the residuum a reasonable rate of subsistence. Somewhat more land might be assigned to the headman, and a far greater privilege than the grant of magisterial powers which he cannot be induced to exercise would be the grant of a gun-licence to a patel who has proved himself efficient for a prescribed period. For the subordinate establishment of watchmen, after it has been reduced to reasonable dimensions, an acre or so of land for each man, coupled with assistance in the recovery of their legitimate "huks" or rights, would constitute a fair return for their work. To give this enormous body of men even a small monthly salary in cash would involve a prohibitive cost. On the hypothesis of a provision of even three rupees a month to the patel, and two rupees each to two watchmen, a simple arithmetical calculation will demonstrate that in



a district containing a thousand villages the cost would amount to seven thousand rupees a month, or eighty-four thousand rupees a year.

A further essential reform is some modification of the hereditary principle. In spite of its scant emolument the office of patel is one that is greatly prized and sought after. The desideratum is to obtain more efficient men to hold the office. To achieve this result the hard and fast rule as to hereditary right must be disregarded. If there is a competent man in the family of the patel, by all means let his claim to office have priority. If there is no suitable man in the family, we should look for one beyond its limits. There is a precedent for this course. When the dominions of the Peshwa, the Deccan, and Guzerat came under British rule, there were hereditary district officers known as Deshpandis and Deshmukhs. They were intermediate agents between the patel and the Government, corresponding to some extent with our collector-magistrates. Under British rule it was soon found necessary to abolish these functionaries, some compensation being allowed to the office-holder for the time being. A reformed village police might be really useful and efficient. Speaking from my personal experience of many years, I am bound to say that at present, so far from being either the one or the other, they are a discredit to our administration. In one part of India—the Province of Sind—where I served for ten years, strange to say, there were no village police; and we got on very well without them. The assistance derived from the great landholders of that province was of greater value.

## CHAPTER XIX

### CRIME AND CRIMINALS

I HAVE often talked to police-officers in England, and the comparison of our respective experiences has been most interesting and entertaining. But I have generally found that incidents which are matters of common occurrence in India are entirely beyond the experiences of officers in this country. The everlasting false cases, the accusations of offences that have never been committed, the detailed accounts of events which never occurred, the ceaseless ingenuity expended in trying to make one thing appear to be something else, all these phases of criminality, with which I am so familiar, seem to be a sealed book to the English policeman. In India one learns almost instinctively to look for the very opposite of the circumstances which are first reported in any particular case. I have mentioned the burning indignation expressed by Sir Charles Napier when he was expected to believe that Mahometan women had suddenly taken to hanging themselves right and left without the smallest provocation. But there was nothing out of the common in what so greatly stirred him to anger. To hang up the body of a person who has been murdered, in such a way as to convey the impression that he has committed suicide, is quite an ordinary proceeding. In one

recorded case, when the body of a man found suspended from the branch of a tree was taken down and dissected, a large quantity of arsenic was detected in the intestines. The deceased had been poisoned first, and hung up after he was dead.

The fact that a corpse is found covered with wounds is no proof in India that death was due to violence. The deceased may have died of natural causes, the injuries being subsequently inflicted in order to bolster up a false charge of murder. Again, wounds are often self-inflicted with a view to substantiate some false accusation, or to disprove a charge brought, or likely to be brought, against the person on whom the wounds are found.

Some of these deceptions are exceedingly hard to elucidate. Others are too obvious, or too clumsy, to cause much trouble to an officer trained in the investigation of crime.

In one case a Mahratta named Govind Balaji, his garments drenched with blood, rushed up to the police-station in a state of uncontrollable agitation, shouting "Justice, justice!" Five dacoits, he said, had broken into his house and killed his wife and two other women, together with a boy and a girl, and had desperately wounded himself while he was endeavouring to defend his family. The police went promptly to the spot, and, true enough, found the women and children lying in a heap with their throats cut. Now, dacoits certainly do murder people at times; but for them to do so by cutting their throats is an unheard-of procedure. This in itself roused suspicion. Then the wounds on Govind himself were entirely superficial. He stated that he had been cut at by swords, but the only wounds found were two small parallel cuts on the inside of

the left thigh. One of them was the merest scratch, and the other had only just penetrated the true skin. The blood on his clothes had certainly not come from these simulated wounds. The miserable man had himself, in a fit of passion, murdered his five victims; and he paid the penalty on the gallows.

In another case, Yusuf Abdul Rahman, a young Mahometan, fancied that he was very clever; but, as things turned out, he was not quite so clever as he took himself to be. Wishing to make out that he had been attacked by robbers, he inflicted some slight wounds upon his person, and then made, as he believed, corresponding incisions in his clothes. The incisions, by way of making the evidence very circumstantial and exact, and so strengthening the case, were through a fold in his shirt. Now, our friend omitted to take one thing into consideration. If he had been wearing the shirt at the time, a stab reaching the flesh would, if it had passed through the fold, have made three incisions, two through the fold and one through the single surface of the shirt. But in this case there were only the two incisions in the fold itself. The shirt had therefore not been on him when he had made the holes in it. The imposture was thus easily seen through.

Cases are not always so simple as these. To determine whether an alleged case of suicide is really suicide, or murder disguised, is frequently a matter of great difficulty. It is still more difficult for the police, when they consider that there has been foul play, to prove their conclusions to the satisfaction of the Sessions Court.

Some five and twenty years ago a case that caused considerable sensation occurred near Combaconum

in Madras. In the village of Surgana Kovil there were two mutts, or religious establishments, which may be more or less likened to monasteries. As is frequently the case, there was great rivalry and jealousy between these two institutions, each claiming superiority over the other. One evening the high priest of one of the mutts, by name Arumuga Mudaliar, was about to perform an important ceremony, to witness which a large number of persons had been invited. There was some little delay in the appearance of the priest, and a deputation of his followers went to his cell, where he was in the habit of passing the time alone, to remind him that his presence was expected. They found him hanging from a bamboo, stone dead. The ends of the bamboo rested on a cornice which ran round the top of the cell. A bamboo ladder was found leaning against the wall. The police were called in, and a formal inquiry was held. A hospital assistant, or apothecary, inspected the body, and, finding no marks of injury, certified that death had been caused by hanging, adding that in his opinion the case was one of suicide. He considered that the priest had climbed the ladder, tied the noose round his neck, and then thrown himself off. The inquiry, whether medical or police, was clearly a very perfunctory one. No internal post-mortem was held. It was afterwards alleged that there were good reasons for hushing the matter up, and that the police, the apothecary, and a "sub-magistrate" were all bribed. This sort of statement is, however, so common, not to say universal, in India, that it does not go for much.

After a short interval anonymous letters began to fly about, and they reached various high officials. The anonymous letter is one of the characteristics

of India. Many officers, including myself, made a point of tearing up these documents without reading them. The native of India will, however, get round every effort to circumvent his wiles. If he learns that the Sahib takes no notice of a "goom nam," he attaches to his communication the signature of a person who actually exists. Without some inquiry it is obviously impossible to know if a signed letter is pseudonymous or not, and so at all events a preliminary investigation is set on foot. In ninety-nine cases out of a hundred the letter is nothing but a string of lies, designed to take away some one's reputation. The mere fact that an inquiry is made, and the alleged accusations thus become public and are bandied about, is sufficient, and the object of the calumniator is attained.

In this case the charges were sufficiently definite to warrant the making of further inquiries. One undoubted fact was that immediately after the death of Arumuga the people of the rival mutt actually took possession of his establishment and his private property. Nor was any motive adduced for the high priest committing suicide. The first thing to do was to *exhume the corpse*. Amongst Hindoos cremation, though usual, is not universal; and in this case the body, as is customary with persons of the deceased's position, was buried in salt. But sixteen days had passed away since the burial, and the body, having been interred in very marshy ground, was, in spite of the salt, in an advanced state of decomposition. No internal examination was possible. But two observations were made. Although the deceased had been a stout heavy man, there was scarcely any mark round the neck. The other was that the hands were thickly smeared with ashes.

The next thing was to reconstruct the circumstances in which the body was found. The cord, it so happened, had been preserved. It was found by experiment that, from the position of the bamboo and the ladder, it would have been impossible for the priest to have tied the noose round his neck and then thrown himself off, as the cord, though long enough to suspend the corpse from the bamboo, was two feet too short to reach from the ladder to the place whence the corpse was suspended. The theory of suicide seemed therefore distinctly negatived.

The most minute attention was then directed to the ashes on the hands. It was suggested by some of the witnesses who found the body that the priest had smeared his hands and fingers with holy ashes, of which there was a box in the room at some distance from the corpse. Before the death of a person of sanctity it is the custom to put holy ashes on the hands. It was therefore argued that Arumuga had smeared his hands with the ashes as a last act of devotion, and so demonstrated his intention of committing suicide. This hypothesis was, however, very easily rebutted. If Arumuga had smeared his own fingers, he must have done this before he hanged himself. Consequently some of the ashes would have come off his hands on to the rope, if not on to the ladder; but there was no sign of them on either the one or the other. Furthermore, the process of tying the knot round his neck must have rubbed some of the ashes off the priest's hands. But the hands, even after all the interval that had occurred, were still thickly smeared when the body was exhumed, and it was obvious that none had been rubbed off by contact with a rope. The conclusion, of course, was that the ashes had been smeared on

the hands by some third party after death as bogus evidence to support the theory of suicide.

After some time a servant of the deceased, in fact one of the witnesses to the finding of the body, confessed that he had taken part in the murder. He said that two men of the rival mutt talked him over, and arranged that they should jointly commit the crime, which was perpetrated during the night before the discovery of the corpse. The priest's servant let in the conspirators. They went to where the deceased was sleeping. One man sat on his chest, stuffed a ball of cloth into his mouth, and with his other hand compressed his throat. The second man sat upon his legs and hold his hands. When all struggles had ceased, they tied the cord round Arumuga's neck, affixed it to the bamboo, which was then on the ground, and finally placed the bamboo, with the corpse suspended from it, upon the cornice. The ladder was leaned against the wall, and deceased's hands smeared with ashes. Further corroborative evidence was obtained. But after a long and careful trial before the Sessions judge, the prisoners were acquitted, for certain witnesses who had to speak to circumstantial points of evidence indulged in the usual flow of imagination and told a great deal too much, not unnaturally breaking down under cross-examination. The length of the rope, and the ashes on the hands ought of course to have been noticed at the original investigation. Many a case is ruined by want of ordinary care and forethought in the first instance. Evidence obtained at a subsequent inquiry is always viewed with suspicion, and carries little weight in comparison with that which is elicited at first.

In India it does not at all necessarily follow, even



when a *corpus delicti* has been produced in court, that the person for whose murder the prisoner in the dock is being tried is actually dead. The risk of being convicted of the murder of a person who is alive and well is by no means beyond the range of experience. In the outskirts of Delhi there lived a Mahometan named Russool Bux and Fatima his wife. The husband was a hot-tempered, impulsive man, and his wife was a bit of a shrew, though, nevertheless, at heart devoted to her better half. One day the two had a conjugal difference, and Russool Bux went off in a huff, and remained away. A week, a fortnight, passed, and there was no news of him. This was so extraordinary an event that Fatima became terribly anxious, and she worked herself up into a state of mind in which she imagined one misfortune after another happening to her spouse. It so happened that a few days later a body, quite unrecognizable through decomposition, was found in a ruined temple at no great distance from the house of Russool Bux and Fatima. The skull of the deceased was obviously fractured. This was quite enough for Fatima in her excited condition. She was convinced that the corpse was that of her deceased husband. Was she a woman to leave his death unavenged? By no means. Russool Bux had been for a long time on bad terms with a neighbour named Ali Khan. Who but Ali Khan could have done her man to death? The idea once formed, it soon amounted to a certainty. She worked out all the details, induced two or three of her intimate friends to support her in her tribulation, and show their regard for her by becoming witnesses of the murder. Ali Khan was arrested and placed before the magistrate. The evidence against him was being

related in minute and ornate detail, when Russool Bux walked into court!

Innocent persons have been within a nearer risk of losing their lives at the hands of the hangman than was Ali Khan. At Nagpur, in the Central Provinces, a wealthy Mahometan merchant named Ibrahim Beg was actually convicted of the murder of his young wife Chumbeli. Ibrahim Beg admitted before the Court that he had had cause to be jealous of Chumbeli, and that he had given her a severe beating. Her screams had been heard by several neighbours. The accused insisted that he had no intention of doing his wife any serious harm, and he did not believe that he had inflicted any real injury upon her. She had, however, mysteriously disappeared after the beating, and he could not account for her absence. It is common in India for a wife who has a little difference with her husband to run away to her parents' house. But in this case the parents knew nothing about their daughter. The police were called in, and the investigation commenced. Nothing was discovered at first; but after a couple of days a disagreeable odour was noticed in a corner of the merchant's compound. Upon examination it was found that the ground, which was covered with leaves, had been recently dug up. This was very suspicious. An excavation was made, and the headless corpse of a woman was found. It might have been difficult to recognize the trunk, but all doubt as to its identity was removed when one of Chumbeli's bangles was found on the arm. Evidence to fit in with the discovery, and to complete the history of the case, was of course soon available, with the result that the unfortunate merchant was found guilty of murder. However, on the day before

his execution was to have taken place, a man named Hyder informed a young English civilian that Chumbeli was alive. The Englishman could hardly credit this story ; but the informant professed his ability to show him where Chumbeli was. He was as good as his word. The woman who was alleged to have been murdered was being kept in concealment by a gang of fakirs in a hidden chamber beneath a tomb. The real truth of the story was this. Khan Beg, a cousin and heir of Ibrahim Beg, wished to get rid of the latter, and enjoy his inheritance. With this view, he played the part of Iago, and incited Ibrahim Beg's suspicions against Chumbeli. As soon as the husband had beaten his wife, the way of the conspirator was fairly easy. He and two of his agents abducted Chumbeli, and handed her over to the fakirs. These people got hold of a woman who happened to have died. They cut off the head, and Khan Beg put on the arm of the corpse one of Chumbeli's bangles. The body was then buried in the corner of the compound. Leaves were strewn over the place so that it should not be noticed that the ground had been interfered with. Not unnaturally, when the discovery was made, every one jumped to the conclusion that the corpse was Chumbeli's. Hyder, who gave information which saved Ibrahim Beg from the gallows, was one of the conspirators. He was dissatisfied with the reward given him for his services, and took his revenge on Khan Beg by revealing all the circumstances of the case.

Once at Perbabghur, in Oudh, a man swore on oath in a magistrate's court that he had seen a landholder murdered. He himself, he deposed, had been compelled to aid in disposing of the body, which had been buried on the banks of a jheel, or lake. He

took the police to the spot, and there, sure enough, a few feet below the surface, they came upon a skeleton. Unfortunately, the medical testimony certified the skeleton to be that of a female. In a case at Lucknow, some years ago, two men were tried and convicted of murder, on evidence that appeared genuine—evidence that could not be shaken on cross-examination. The judge refrained from passing sentence of death on the accused, because the body of the murdered man, which was alleged to have been thrown into the Ganges, was not forthcoming. The sentence was transportation for life. About a year later the man supposed to have been murdered turned up. He had taken service and gone to Burmah. Fabrications of this nature are common all over India.

The difficulties experienced by the police in arriving at the actual facts of a case are extraordinary. To inflict wounds on the corpse of a person who has died a natural death, and place it near the dwelling of an enemy, so that its discovery may induce suspicion of foul play against him, is by no means an uncommon proceeding. Not only this, but many murders have been committed with a view to get some one or other into trouble. In the Patna district a woman accused a man, with whom she was on bad terms, of having enticed away and murdered her little daughter. The most circumstantial details were of course given, and the woman explained exactly in what part of the premises the body would be found concealed. After a prolonged investigation it was conclusively proved that the mother had poisoned her daughter, and concealed the body in her enemy's courtyard in order to accuse him of the crime. In the same district certain ryots, or culti-

vators, murdered an unfortunate cripple named Chumma Gowaleh, and then laid his death at the door of a ticcadar, or subordinate revenue officer, who, they considered, had exacted too much from them on account of rent. Ten persons were put on their trial for this atrocious murder and conspiracy, and two of them were hanged. In Tirhoot the body of a deaf and dumb beggar was found fearfully hacked and cut, leaning against the house of a certain zemindar. In this case the murderers rather overshoot their mark, for in the circumstances no suspicion at all fell on the zemindar. The object of the investigation was limited to the discovery of the miscreants who had endeavoured to get the landholder into trouble. Four persons were arrested and convicted in the Sessions Court, but acquitted on appeal to the High Court. At Trichinopoli an old man told his sons that in any case he must die soon, and with this argument induced them to kill him, and leave his body in a place where its discovery would cast suspicion upon a distant relative with whom his branch of the family was at enmity. With filial obedience the sons carried out their father's behest. The relative was actually tried for the murder, and the case brought against him by the prosecution at one time seemed so strong as to be likely to result in conviction. By the skill of his pleader, however, the conspiracy came to light, and the guilty persons were brought to justice.

In a village called Karmar, in the district of Broach, in the Bombay Presidency, this form of criminality was not very long ago reduced to a system. As is so common in India, the village was divided into two intensely hostile factions. The head of one of the two houses at variance with each other was named

Alibhai Mitha, and the leader of the rival house was Mahomed Wulli. One day various partisans of these local Montagues and Capulets, happening to meet in a public place, came to loggerheads. From a war of words they proceeded to blows. One of Mahomed Wulli's followers received so hard a knock on the head that it was considered desirable to send him to the civil hospital at Broach. This was of course calculated to bring discredit on the house of Alibhai Mitha. The leaders of Alibhai's house held a consultation regarding the matter, and came to the conclusion that, to counterpoise the broken head of their adversary, they must have a head of one of their own people in a similar condition. Now one of the most vehement partisans of Alibhai was his own mother Amina, a woman well advanced in years. Amina said that she would only be too glad to have her own head broken if a really strong case were made against the enemy. This was accordingly done, and the old lady was carried into the Broach hospital by a howling mob who vociferously demanded vengeance on Mahomed Wulli's adherents for their murderous attack on the mother of their venerated leader. By this time the feeling on both sides was roused to intensity. Alibhai's faction had another consultation, the result of which was that in order to have not merely a broken head, but an actual death on their side, they determined to poison Amina. They accordingly put arsenic into some food, and gave it to the poor old woman. The vomiting caused by the irritant was so violent that it brought on rupture of the spleen, which, of course, resulted in death. The next proceeding was to accuse the rival party of having administered the poison. Upon this, Mahomed Wulli was wrought to frenzy.

Apparently he had no accommodating mother, but in order to bring a really strong case against his enemies he brought his own sister out of his father's house, and killed her by striking her on the head with an axe, in the presence of several witnesses. She was heard, just before she was struck, to say, "Why do you kill me for other people?" Mahomed Wulli next dashed his own head violently against a wall.

A false charge of murder and assault, with a mass of minute details, was then brought against Alibhai and his young bloods. One of these named Mahomed Amanji, who was animated with zeal and patriotism, expressed his intention of killing himself as a set-off against the girl's death. His aged mother, however, begged that she might be killed instead. Mahomed Amanji was persuaded to accept this substitute for his own immolation. He accordingly took his mother into the back-yard of their house. Shortly afterwards he rushed out with a wound on his chest, calling for the police to come and take the dying deposition of his mother, who, with himself, had been desperately assaulted by their enemies. The old lady was taken to the hospital at Broach. She died after twenty days.

One can imagine the fearful difficulty and responsibility imposed upon the police by the investigation of circumstances such as these. In this case the judge (Mr. Gibbs) remarked in his finding, "The evidence shows . . . that there are two factions in the village, and that murders have been committed on each side, not, as would naturally be expected, by members of one faction on a member of the other, but by members of one faction on a helpless female of their own, so as to throw either the guilt

of blood or the blame of the crime on the other party. Such a state of things is hardly credible, but this is an instance of truth being stranger than fiction."

The record of this case is to be found in the *Bombay High Court Reports*, Vol. VIII, 1871, page 110. I give this reference in case credence is refused to my narrative. This is not an impossible contingency. In a case tried by the Sessions Court of Cuddapah (Madras), where the defence was that the deceased had been murdered by his friends and relations in order to get the prisoners into trouble, the judge (Mr. Hutchins) disbelieved that anything so unnatural could have taken place, and he severely reprimanded the accused's counsel for adopting so impossible a line of defence!

Again and again I have been struck with the extraordinarily slight value that is attached to human life in the East, and to the trivial motives for which death is caused. A couple of years ago some shepherds in the Betul district of the Central Provinces were tending their flocks in the jungle at a considerable distance from any habitation. They were much perturbed and frightened at hearing groans and wails issue from beneath a heap of stones. Their first idea was that the sounds were due to a ghost or evil spirit, these being currently believed by the villagers to inhabit remote places in the forest. They were preparing for a discreet retirement from so dangerous a vicinity, when one of them asserted that it was a human voice that they had heard. Plucking up courage, they ventured near the cairn whence the voice proceeded. They could just make out some one say, "I am Tara the wife of Mahdoo. Release me—release me." Not without some trepidation they removed the stones, and found



beneath a poor old woman more dead than alive. She told them that her village was two kos (four miles) away, and that her husband Mahdoo had buried her, where she had been found, six days ago. She was too weak to say more for the present. They gave her some milk and a little food that they had with them, and after a time, when she had revived, they carried her to her home. They placed her in charge, not of her husband, but, of the patel who having listened to her story, arrested Mahdoo and sent for the police from the nearest police-station, ten miles off. The facts of the case were as follows: Mahdoo had had two wives, one comparatively young and well-favoured, while the other, Tara, was elderly and in chronic bad health. He decided to get rid of Tara, and, after one or two unsuccessful attempts to leave her behind on a journey, he buried her alive in a rough grave which he had prepared for her reception, covering her almost entirely with stones and earth. How she remained alive in such a condition for six days is nothing short of amazing. Doubtless her husband never expected to see her again. His defence was that he thought she was dead when he interred her. However, the unfortunate Tara insisted that she had protested at the time against his cruel behaviour; and her testimony was accepted. Mahdoo was convicted of murder, and sentenced to transportation for life. This is one of the many cases in which I am utterly at a loss to understand why the punishment of death was not awarded. Tara survived the hardships that she had undergone for a few days only.

At Cuddapah a Brahmin priest was convicted and hanged for the murder of a woman. The reason which he himself gave for the crime would generally

be regarded as entirely inadequate for so terrible a deed. The woman had come to the Brahmin's house on some business, and had there happened to see a bottle of arrack (native spirit) and some meat on a table. This pillar of his church was afraid that his visitor would spread a scandal about forbidden food and drink being present in the house of a priest, who, above all men, should abstain from such practices. Fearful of this stain upon his reputation, which might result in his losing caste, the Brahmin took a knife and inflicted various deadly wounds upon the wretched woman, who had done him no injury whatever.

In the same district a man and a woman occupied neighbouring houses in a small street. There is nothing to show that they had been on bad terms for any length of time. In front of the woman's house was a small yard in which she grew some vegetables. The man kept a few poultry. One morning two of his hens trespassed on the lady's garden, and rooted up some of the vegetables. She drove off the intruders, and vented upon them and their female relatives, and on their owner and his female relatives for several generations, a whole storm and battery of abuse at the top of her voice. The keeper of poultry, who happened to be at home, heard these terms of endearment, and, coming out of his house, let the lady of the vegetable garden have his opinion of the female members of her family. After a time they wore themselves out with their exertions. The interchange of compliments ceased, and the man went away to work in the field, *furiens quid fœmina possit, ignarus*. The lady was not going to let him off without having her revenge in full. During the day the man's two children, a

boy and a girl, were playing outside the house. She called the boy into her hut, and gave him a ball of jaggery, a kind of molasses, which he promptly ate. Soon afterwards the boy was seized with symptoms of arsenical poisoning, and he died in about four hours. Arsenic was found in the stomach, and also in the woman's house. She was convicted of murder. It is almost impossible to imagine how a woman could deliberately kill a poor little boy just because his father and she had called each other names. In the trial of this case one of the assessors gave it as his opinion that the prisoner was not guilty. Being asked his reason, he said that there was not sufficient evidence of the cause of death. Asked how he accounted for the arsenic in the child's stomach, he replied, "God only knows how it came there!"

Over and over again I have known of cases in which a man, or more frequently a woman, who is desirous of poisoning a certain individual, is absolutely regardless of the probability, not to say the certainty, that a whole family may suffer. The following case is recorded in the *Allahabad High Court Law Report* of 1908. Apart from the circumstances of the case, the legal arguments on behalf of the prosecution and defence are of considerable interest. A woman named Jumna was a poor relation of one Lal Singh, a well-to-do man of business. She lived near his house. On March 25, 1908, the members of Lal Singh's household, after partaking of their evening meal, became ill, and no less than four of them died the next day. For various reasons it was suspected that Jumna had administered the poison. When charged with having tampered with the food, she confessed that she had

done so. She went on to say that an enemy of Lal Singh, Budri Prashad by name, had given her a powder. He told her that if she mixed the powder with Lal Singh's food their present conditions would be reversed. She would become rich, and Lal Singh would become poor. She afterwards retracted the confession. Because a person who has made a confession, subsequently retracts it, the Court is not obliged by law to disbelieve the confession, or treat it as irrelevant. It all depends upon the circumstances of the particular case. In this instance the Sessions judge of Aliguhr believed the confession. He convicted Jumna, under Section 304A of the Indian Penal Code, of causing death by a rash or negligent act. The prisoner appealed to the High Court. The counsel for the appellant (Baboo Suty Chundra Mookerji) contended that, on the findings of fact arrived at by the learned Sessions judge, there was no case against the accused either of murder, or of causing death by rash or negligent act. Jumna, he urged, did not know the nature of the substance which she mixed up with the flour. There was consequently no intention of causing death or hurt, and there was no rash or negligent act. He relied on a Bombay case known as *Emperor v. Nagawa*. The Assistant Government Advocate (Mr. Porter), for the Crown, submitted that the Bombay case was no doubt in favour of the appellant's contention, but the Punjab Chief Court, he insisted, had consistently maintained the contrary view. He quoted several cases in support of his contention.

The finding of the High Court judge (Mr. Griffin) on the facts and on the law deserves to be quoted in full. "Musummut \* Jumna," he said, "has been

\* Musummut is the Mahometan equivalent of "Mrs."!

convicted of an offence under Section 304A of the Indian Penal Code, and has been sentenced to two years' rigorous imprisonment. She appeals against her conviction. The learned vakil who appears for her has taken me through all the material evidence in the case. His contention is that the evidence on which the conviction mainly rests, and the confession of the accused, are not sufficient to warrant the conviction. The case has been tried by the learned Sessions judge of Aliguhr, with extreme thoroughness and care. His judgment contains an accurate summary of all the evidence in the case, and in it every aspect of the case has been fully considered. On the 25th of March last some food was prepared at the house of one Lal Singh Brahman of village Mahugua. A number of people of Lal Singh's household partook of the food on that and the following day, with the result that four persons died and several others became seriously ill. The report of the Chemical Examiner shows that arsenic was detected in the viscera sent for examination, and also in a portion of the food. It is clear then that poison was administered in the food prepared in Lal Singh's house on the 25th March last. It is clear that the poison must have been introduced into the food by some one who had access to the place where the food was prepared. The learned Sessions judge has shown, in my opinion correctly, that no one in the immediate household of Lal Singh can be suspected of any concern in this poisoning. The accused's own conduct in the course of the investigation directed suspicion towards her. On the 4th April she made a confession before the magistrate, in which she admitted that one Budri Prashad, who, to her knowledge, was an enemy of Lal Singh, had

given her some white powder, telling her to mix it in Lal Singh's food. She said that Budri Prashad told her that if she gave Lal Singh this stuff she would become wealthy, and Lal Singh would become poor, and that Budri Prashad also added that if any harm did result, she ought not to mention it to any one. She took the white powder, and, taking advantage of the temporary absence of Musummut Kundania, who was cooking the food, she mixed the powder with the flour. This confession she afterwards retracted, but it was corroborated in material particulars by the evidence of the accused's two daughters, both young girls, whose evidence has impressed the learned Sessions judge very favourably. I agree with the Court below, that it is proved that Musummut Jumna did mix the powder with the flour. It is, however, not proved that she knew that the powder was arsenic or any other deleterious substance. The Court below has found her guilty of an offence under Section 304A of the Indian Penal Code.

"It is contended on behalf of the appellant that, even on the facts found, Musummut Jumna has committed no offence punishable by law. I am referred to a decision, *Emperor v. Nagawa*, in which the facts were that the accused administered arsenic to the deceased, her lover, in sweetmeat balls given to him to eat, in the belief that it was a charm which would revive love for her, but she did not know that the substance was a deadly poison. In this case it was held that, as the evidence did not establish the necessary guilty mind, the accused must be acquitted. The question whether the act of the accused in that case did not come under Section 304A was not considered.

“There is a case much more in point, *Queen-Empress v. Musummut Bhakhan*, in which the facts were that ‘the accused, having an intrigue with a paramour, received poison from her paramour to administer to her husband as a charm, and administered it with the result that death ensued; that the death of the husband was caused by the substance administered to him, the substance being arsenic; but that the accused did not know the substance given to her to be noxious till she had seen its effect.’ It was held in that case that the offence committed by the accused was that punishable under Section 304A of the Penal Code, her act not amounting to culpable homicide, but being a rash act and having caused the death of her husband. It was further held in that case that ‘where the accused knew that the substance came from her paramour, and was to operate on her husband as a charm, it became her duty to ascertain that it was innocuous before she administered it to her husband, and culpability was imputable for the absence of that caution and circumspection which ought to have been exercised in ordinary prudence under the circumstances stated.’

“In my opinion the law has been correctly stated in the decision above quoted. Applying the law to the facts of the present case, the accused has, in my opinion, been properly convicted of an offence under Section 304A of the Indian Penal Code. She took the powder on her own admission from an acknowledged enemy of Lal Singh. She took no precaution whatever to ascertain whether it was noxious or not. Her conduct was wanting in that prudence or circumspection which every human being is supposed to exercise. By her rash and

thoughtless act she has made herself responsible for the death of four persons. I dismiss her appeal."

In a Bengal district a ne'er-do-well named Anund Chunder Roy was living on the charity of his brother. The brother for a long time put up with this as a matter of course. It is the custom of the East for the working members of a family to support the drones who prefer idleness to earning their bread. But Anund was so dissipated and extravagant, and caused such endless trouble, that at last his brother's feelings were too much for him, and he gave the prodigal a bit of his mind. This, of course, was regarded as a deadly insult by the deeply injured Anund. Nothing but death could wipe it out. He purchased about an ounce of aconite root. He pounded some of the root on a brick, and contrived to deposit the powder in a cooking-pot containing some vegetable broth at his brother's house. The brother and three women made their evening meal of the broth. The man partook of his share first; and when he had appeased his appetite the women of the household, in the manner of the East, disposed of what was left. Thus the brother presumably got the largest portion of the broth, and of the poison. He was taken ill almost immediately, complaining of a burning sensation in his throat and stomach. He was seized with vomiting, and died in the course of the night. The womenfolk were attacked with the same symptoms, and became insensible, but recovered. The police were able to obtain evidence that effectually brought the crime home to Anund, and he was condemned to death. If ever there was murder not only motiveless, but indescribably base, it was this.

We have seen that in order to put the police on



a wrong scent criminals have resorted to the expedient of mutilating bodies after death. The following story, told by Thornhill, shows that they can go even further than this.

A party of thieves one night broke into the house of a banker named Girwar Prasad. They effected their entrance by digging a hole through one of the outer walls with a short, sharp-pointed iron bar. The thieves had collected their plunder and were departing, when Girwar Prasad awoke, heard a noise, and ran down. He entered the room just in time to see the last of the thieves crawling out through the hole; his legs were still inside. With great presence of mind, the banker ran forward and forced himself between them. The thief was now caught. With his legs separated he could not get out, and with his arms and shoulders beyond the wall, neither could he force himself back.

Girwar Prasad summoned his servants and sent for the police. Meanwhile he remained exultant; through this thief the rest would be apprehended, and his property recovered. But in this he was disappointed. So soon as the other thieves found that their comrade was fixed in the hole, they took measures to prevent his betraying them. They drew their swords, cut off his head, and carried it off together with their plunder. The police, on their arrival, found only a bleeding neck protruding from the hole, and a body that no one could identify.

We are irresistibly reminded of the story told us by Herodotus of the two brothers, the younger of whom was caught in a trap while they were plundering the treasury of Rhampsinitus, King of Egypt. The younger brother explained to the elder that the only thing for him to do was to cut off his head and

carry it away; otherwise the King would come and find out who the man caught in the trap was, and then have the heads of both brothers cut off. Better that one rather than both should suffer!

Thornhill tells the following story illustrative of the amazing ingenuity and inventive genius of the native criminal. "I remember," he says, "when I was Magistrate of Muttra (near Agra), being told of a rather remarkable instance that had occurred there some few years previously. An alligator had established himself in the river not far from the chief bathing-places. He was an enormous brute of the short-nosed variety (mugger). He was believed to have carried off several of the bathers, chiefly women. He established quite a terror. At length he was captured and dragged ashore, killed and then cut open. I was told that an immense number of women's ornaments and fragments of dresses were found within him.

"But sometimes when bathers disappear the alligators are unjustly accused, as the following story will show. The incidents occurred also at Muttra, but before my time. They were thus related to me, and I entertain no doubt of their general correctness:

"Several women had disappeared suddenly while bathing. Each gave a shriek and vanished under the surface. It was supposed at first that they had been seized and dragged below by the alligators, but presently suspicions were excited. It came to be noticed that all the women who disappeared were well-to-do, and at the time of their disappearance they were wearing valuable ornaments. Before long the suspicions became certainties. The body of one of the women was found floating in the river.

It bore no mark of any injury from any alligator, but the ornaments were gone, and there were rents and gashes in the flesh where they had been torn or cut off.

“Inquiries were then instituted, and it was discovered that the women had been the victims of a gang of a species of Thugs. Some of the gang were expert swimmers. They remained near the bathing-places, ostensibly amusing themselves in the water. When a woman with rich ornaments come down to bathe, their confederates signalled them; one of them swam to the bathing-place, swimming the latter part of the distance under water. The woman was seized by the feet, dragged to where the stream was deep, her ornaments there cut off, and the body allowed to float down with the current.”

With the exception of the last two, the cases which I have selected are not extraordinary ones. They are typical of the circumstances which the police have constantly to investigate, and the labyrinth of perplexities the clues to which they must endeavour to trace.

## CHAPTER XX

### CRIME AND CRIMINALS (*continued*)

LIKE the Athenians of old, the natives of India are "too superstitious." The Hindoo, not excepting the educated Brahmin, is in constant terror of evil demons and spirits who bring sickness and misfortune, of magic, and the evil eye. Nothing in the way of supernatural agency is too gross to be believed. Witchcraft and sorcery are everyday realities. Only a few years ago the Administration Report of Rajputana stated that the barbarous custom of witch-swinging was still of frequent occurrence. When an unfortunate woman was suspected of being a witch she was either made to plunge her arm into boiling oil, or else her head was kept under water whilst an arrow was shot from a bow and brought back to the place whence it was shot. If she passed through this appalling ordeal, she was set at liberty. If the result were not considered satisfactory, she was swung head downwards until she either confessed or died. If she confessed, she was killed. Altogether there does not seem to have been much hope for a woman against whom this terrible charge was brought. The practice of holding a person under water whilst an arrow is shot and brought back is not unusual in the Hyderabad State.

Human sacrifice used to be common in various

parts of India, and it would perhaps be rash to affirm that the practice is even now absolutely extinct. In the Madras Presidency, rites similar to those which used to be employed in ceremonies attending the sacrifice of human victims still continue, though a buffalo takes the place of the more acceptable offering. There are two aboriginal tribes, the Gonds and the Khonds, with whom the buffalo sacrifice is most popular. Like the Bhils, Sonthals, and others, these tribes are barely removed from savagery; and by orthodox Hindoos they are looked upon as outcastes whose touch is held to defile. There is reason to believe that their remote ancestors were cannibals. In 1871, during a buffalo sacrifice, the officiating priest, a Cotia Khond, was so carried away by the twofold excitement of bloodthirsty superstition, and of the potations of strong drink which formed part of the ritual, that he suddenly raised his sacrificial knife and cut the throat of a boy who was standing by. Not content with this, he persuaded two other Khonds to kill the boy's father. These religious fanatics then thought it advisable to make themselves scarce. It was not until 1875 that the police were able to get on their track and effect their arrest. The priest was sentenced to death, and the two others to transportation for life.

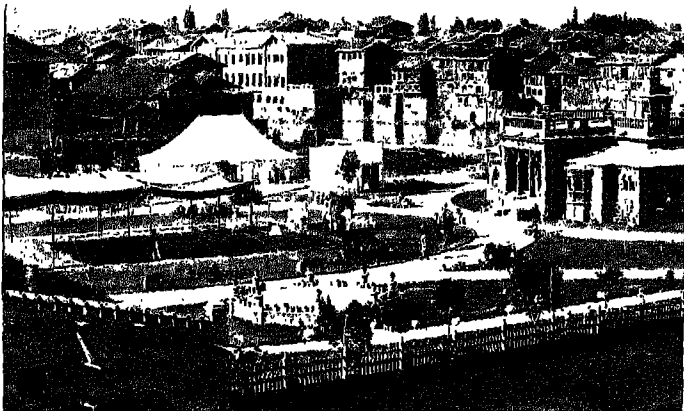
The above murder was committed, it would seem, on the spur of the moment. In the following case the outrage was planned and carried out with the greatest deliberation. In 1875, in a Madras district, there was a priest of the Gonds named Kama Gaitah. He was of about fifty years of age, and possessed immense influence. His priestly authority extended over several villages, one of which was Bodo Bathar.

In the month of April two men, named Gonga Byrogy and Bullavoo Ghassey, came to the village of Marugaum, and informed a certain Dunda of that village that they had come from Kama Gaitah, the priest, who required his presence at Bodo Bothar in connection with some money matters which it was desirable to settle. Dunda made no objection, and set off with the two messengers. The priest received him kindly, and informed him that there was to be a religious ceremony in the evening at which it was necessary that he should be present. A branch of a tree called ramdaar was then sent round to the villagers, with an invitation to attend the ceremony, which was to be performed in honour of the earth goddess Madeya. At the time appointed all the people assembled at a spot about half a mile to the west of the village, where there was a tree with white bark. Kama Gaitah, in his robes of office, placed on the ground two heaps of rice in the name of the goddess. He recited some mystic verses, and performed certain weird and fantastic rites by which the crowd was greatly impressed. The priest then ordered one of his satellites named Bodda to bring forward Dunda. This was done. Dunda's arms were bound behind his back. He was then ordered to kneel down and eat some of the rice. While he was carrying out these instructions, Kama Gaitah severed his head from his body with two blows of a tangi. The corpse was then laid out under the tree with white bark in honour of the goddess, while the head was placed on the dried branch of a sal-tree. The devotees next indulged in some wild dances, accompanied by frenzied yells and shouts. When their excitement had moderated, it occurred to Kama Gaitah that trouble might be

in store for him and his disciples from the white man's law. He thought the best plan to obviate this was to have the remains of the sacrifice deposited in the limits of the village of Pidahpal, which was not subject to his authority. His precautions were, however, insufficient. The police took up the investigation of the case, and Kama Gaitah the priest suffered the extreme penalty of the law which he had defied.

Superstition may take various directions, and lead to self-immolation as well as to murder. The exact motive in the following incident is difficult of diagnosis. Was it merely despair, or was it in some way meant as revenge on the deity? At Tinnevely, in the south of India, there was a Hindoo named Krishnaswami, who had for a long time been suffering from a dangerous if not incurable complaint. He offered prayers and supplications at the shrine of the goddess Kali, in the hopes that he might recover. However, he received no benefit from his devotions, and one day he cut his throat before the idol, expiring in a few minutes. Hindoos have various beneficent gods and goddesses, such as the elephant-headed god of wisdom named Ganesh, and Lukshmi, the kindly goddess of prosperity. But in their trouble they generally pay their vows and offer their sacrifices to the bloodthirsty goddess Kali. It used to seem to me that they went to the wrong shrine. But what can you do with people who exalt small-pox into a divinity, and address it as Mata, or their heavenly mother?

In my last chapter I quoted several cases of poisoning. This form of criminality is exceedingly common, A very usual form of poisoning, or rather attempt at poisoning, for it is only in very rare cases that the



A DURBAR TENT IN CASHMERE.



A CAMP IN CASHMERE.





result is fatal, is the administration of powdered glass in bread, sweetmeats, or some other article of food. The would-be poisoners are nearly always wives who wish to rid themselves of their husbands. They generally obtain the materials needed for their design by crushing and pounding their bangles of coloured glass. The use of glass in cases of suicide is not unknown. In a Bombay case a man seized in the act of committing a robbery attempted to take his life by swallowing fragments of a wine-bottle. Diamond dust has been used as a mechanical poison, either by itself, or mixed with arsenious oxide. Chopped hair has occasionally been employed as a mechanical irritant.

Perhaps the commonest form of poisoning is the administration of the plant known as dhatura. For the purposes of revenge other poisons are more highly esteemed. It is more often for robbery that dhatura is employed. The effects of this horrible poison are often, though by no means always, fatal. Dhatura, unfortunately, can be obtained almost anywhere, the plant growing in the vicinity of nearly every village. The commonest species has white flowers, shaped like a bell, and quite pretty. The leaves and stalk, as well as the fruit, which is sometimes spoken of as the thorn-apple, all contain the poison ; but the part which is generally used is the seed.

Cases of dhatura poisoning are most difficult of detection, for two reasons. Unlike arsenic and other mineral poisons, vegetable poisons, as a general rule, leave no trace which can be discovered by chemical analysis. Further, one of the most frequent effects of dhatura is to deprive the victim of his memory. He is consequently unable to give any useful description of the circumstances under which, or of

the person by whom, the poison was administered to him.

The symptoms of dhatura poisoning are exceedingly painful. The mouth and throat become so dry that, as with hydrophobia, the swallowing of liquids becomes difficult if not impossible. The vision is deranged, and letters and figures appear double. The sufferer may reel like a drunken man, and delirium is frequently present. Dr. H. Giraud thus describes the delirium : " He either vociferates loudly, or is garrulous and talks incoherently ; sometimes he is mirthful and laughs wildly, or is sad and moans as if in great distress. Generally he is observed to be very timid ; and, when most troublesome and unruly, can always be cowed by an angry word, frequently putting up his hands in a supplicating posture. When approached, he suddenly shrinks back as if apprehensive of being struck ; frequently he moves about as if to avoid spectra. But the most invariable accompaniment of the final stage of delirium is the incessant picking at real or imaginary objects. At one time the patient seizes hold of parts of his clothes or bedding, pulls at his fingers and toes, takes up dirt and stones from the ground, or snatches at imaginary objects in the air, on his body, or anything near him. Occasionally his antics are so varied and ridiculous that I have seen his near relatives, although apprehensive of danger, unable to restrain their laughter."

From the description of the symptoms it is clear that dhatura was at least a constituent of the terrible drug often mentioned in native works on Indian history under the name "poust" or "poshtah." If administered in slow doses, day by day, in a comparatively short period it caused permanent

idiocy. Under the Moghul rule "poust" was often given to state prisoners, especially such as had been or might be rival claimants to the throne. The traveller Bernier relates how a nephew of Aurungzib, when condemned to imprisonment in the fort of Gwalior for rebelling against the Emperor, begged and implored that he might at once be put to death rather than be forced to drink that terrible drug.

I have personally known a number of instances of dhatura poisoning, but never one that was detected. The most serious case was in the Shikarpur district of Upper Sind. A party of travellers, seven in number, had marched for several days along the dust-laden roads in the height of the furious hot weather on their way from Punno-Akil to the city of Shikarpur. One morning, when they were only a few miles from their destination, five of the seven were observed by a passing police-patrol performing antics by the roadside like so many inmates of a lunatic asylum. The other two were already dead. One more of the party subsequently died. The remaining four recovered; but they were able to throw no light whatever on the circumstances. They had no idea who had given them food or drink. Their memory was absolutely gone. Two of them had been robbed of some ornaments of no particular value, and of a few rupees. The police suspected a wandering Mahometan fakir who had been seen on that part of the road in the early morning. But no ornaments and no money were found on him. He was detained for twenty-four hours and then released, as there was nothing against him except his appearance, which, if physiognomy goes for anything, ought to have warranted, or rather demanded, his instant execution.

Crimes in India, and possibly elsewhere, are sometimes detected by what appears to be the merest accident; and occasionally a case of dhatura poisoning may come to light through some lucky chance. Here is an example that is on the register at Lucknow. The police-inspector in charge of that half of the city which contains the notorious bazaars of Aminabad and Wuzirgunge, was an officer named Sutya Chunder Mookerji. The part of Lucknow for which Sutya was responsible had, when the city was the capital of the Kings of Oudh, won for itself the designation of the "Paris of India." In its unregenerate days it teemed with fashions and fastidiousness imported by generations of Frenchmen who had pandered to the weaknesses of the king and his courtiers. The two bazaars of Aminabad and Wuzirgunge were contiguous to the palaces and harems, and they swarmed with human parasites. There were innumerable musicians, singers, dancing girls, bird-fanciers, wrestlers, and other cringing and fawning creatures, for the most part addicted to excessive opium and strong drink, who used to live on the wealthy and effeminate nobility. Kings of Oudh exist no longer, but this portion of Lucknow, although shorn of its meretricious splendour, has retained its notoriety for sordid immorality. On a Sunday morning a few years ago Inspector Sutya was roused by a constable with a report that two women of Aminabad, who in their younger days had been nautch-girls, had been poisoned with dhatura, and robbed of their money. In the expressive language of the constable who made the report, the women were "picking up twigs" (*tinka binat hai*).

Sutya at once went to the place. He found the two women, Ghasitan and Nasiban, lying uncon-

scious and breathing heavily. They were taken to the civil hospital, and it was some time before they could give any account of what had happened. When they had sufficiently recovered to answer the questions that were put to them, they gave the following details. Ghasitan and Nasiban, both Mahometans, lived in the upper story of the house with a Hindoo woman named Ramdaya. On the ground floor there were two shops, one occupied by Khushroo a kite-maker, with whom resided his mother Sharifan, and the other by a tinker named Salamat. On the Saturday night Ramdaya was downstairs for an hour or more chatting with Khushroo and his mother. During this time an elderly Mahometan visited the two other women upstairs, and entertained them with tea, rusks, and biscuits, from the cook-shop opposite. Shortly after partaking of these refreshments the women became unconscious, and in this stage Nasiban was robbed of two rupees and eight annas, which was all the money that either of them possessed. For three weeks Sutya could get no information which threw any light upon the matter. The circumstance that Ramdaya had been absent at the time of the stranger's visit struck him as somewhat suspicious, but the suspicion did not lead to anything definite. Rather than remain inactive the inspector got hold of various elderly Mahometans, who in greater or less degree answered to the description given by Ghasitan and Nasiban of their unknown visitor, and paraded them before the women, but with no satisfactory result. At last Nasiban, who was becoming weary of this procedure, said that one of the men was something like the prisoner. To Sutya's surprise this man suddenly said that it was he who had visited the

ladies, and added that he had a supply of dhatura seeds and other poisonous drugs in his house at Mahmudabad, a place about a hundred miles off. On the principle of neglecting no chance, Sutya took the man to Mahmudabad. Here, after a fruitless search for drugs, the suspect, an old jail-bird, calmly told the inspector that he had only made a confession in order to get a cheap trip home, his railway fare being paid by Government! The officer's feelings can be imagined.

However, Sutya did not give up the case. A week or so later he was sitting in the house of the two women, listening to reports from his subordinates. Thinking that he would like a smoke, he filled his hookah, or native pipe, with tobacco, and then found that he had no matches. "Sadik Ali," said he to one of the constables present, "take this pipe across to the naubai's shop [cook-shop] opposite, and get a small live piece of charcoal put on it. Then bring it back to me." Sadik Ali took away the pipe as directed. He entered the cook-shop, where an old woman belonging to the establishment, after handing Sadik Ali the stem of her hookah to have a smoke, suddenly burst into a storm of vituperation, waving her arms about in frantic gesticulations, while casting her eyes from time to time on a large degchi or cooking-pot.

"The scoundrel!" screamed the furious old lady. "He took the degchi away, paying ten annas for its hire for ten days. He said his sister was to be married. This was nearly a month ago. He has only paid me a rupee all told, while the hire amounts to nearer two rupees. It was only after I threatened him with the police that he brought back my degchi at all—the jhuta beiman [false and faithless one]!"

"Who was it, mother?" asked the constable, "and what was it all about?"

"Why, that villain Salamat who came with that other scoundrel, Khushroo, nearly a month ago, and hired this degchi for Salamat's sister's wedding. All lies—all lies; but I know not why they told them, or why they hired my degchi!"

The inspector, from the room across the street, had seen and heard all that had passed. He next observed Sadik Ali turn round, and beckon to some one below him. This was Salamat the tinker. Salamat's conscience was ill at ease. Terror-stricken at hearing the old lady make the above communication to a policeman, and not knowing what would be revealed next, he thought that his only safety lay in flight. In a moment he was running down the street as fast as his legs could carry him, followed by an excited crowd, who, though they did not know what was the matter, yelled "Stop thief! stop thief!" at the top of their voices. The tinker was soon caught, and brought before the inspector, who asked him why he had run away in such hot haste. Trembling like an aspen-leaf he threw off his puggree and prostrated himself on the ground before Sutya. The officer merely expected to be told the history of some trivial dispute about the cooking-pot, and was amazed at suddenly finding himself listening to a detailed narrative of the robbery. This was Salamat's story:

"Sahib, spare me, and I will tell you all about this case—the whole truth of it. The naubai's mother has spoken truly. Khushroo and I did hire the cooking-pot. I will relate the whole story. The Sahib must spare me. Sahib, Khushroo and Ramdaya have long been intimate. Khushroo and I



are both opium-smokers, and we have been in the habit of meeting every evening in Habib's 'chandoo' shop. About a month ago Khushroo, Habib, Nunney Khan of Dinguria village, two miles out of the city, a professional burglar, Chuttan the wrestler, Mithoo the pigeon-fancier, and myself were all smoking together, when Khushroo told us that, in the course of conversation with Ramdaya, he had learnt that Ghasitan had in her youth been the favourite dancing girl of the Nawab of Mosinabad, who had given her great wealth in the shape of jewels. She had expended a considerable part of her fortune on her brother Jaffer, whom she had set up as a timber-merchant at Sitapur. For a long time Ghasitan had lived with her brother, but he proved ungrateful, and turned his sister out. Now to all appearance she is a pauper. But Khushroo said that Ramdaya had told him that a little time previously Jaffer came here, and tried to induce his sister to give up a pair of gold anklets which he said she must have brought with her from Sitapur. Ghasitan denied having brought them; but Ramdaya was rather sceptical of the truth of her denial.

"When we heard what Khushroo said, we all became possessed of the idea of robbing Ghasitan of her anklets. We obtained some dhatura seed, and we extracted the essence in Habib's opium-den. Then, as Nunney Khan was the only man among us who did not belong to the city, we decided that he should administer the dhatura, for there was less chance of his recognition and identification. Nunney Khan was to purchase some refreshments for the two Mahometan women; and Khushroo was to do the like for Ramdaya, whom he was to entertain in his shop while Nunney Khan was upstairs.

But between us we had only six annas, and this was not nearly enough. It was necessary to get some more somehow. In the first place, I took out my 'laggan' or kneading-dish, and pawned it for four annas. Thus we had ten annas. With this sum we hired the degchi from the cook-shop, and pawned it to one Kasim Hussein for three rupees and eight annas. We gave two rupees to Nunney Khan, and one rupee to Khushroo. They left on their errands, and the rest of us waited in my shop. After a time Nunney Khan called out that the women had become unconscious. Then we went upstairs to rob Ghasitan of her anklets. We could not trust each other, so we all went together. But there were no anklets to be found, and all that we got was two rupees and eight annas. This we spent on food and drink, and we had no money to redeem the degchi which was pawned with Kasim Hussein. Later on I managed to raise the money for this. On the day that you left for Mahmudabad, and I saw that the place was clear of police, I recovered the degchi and restored it to the cook-shop. But there was no money to pay for its hire for so many days."

The inspector lost no time in following up this extraordinary bit of luck. He went at once to Dinguria, arrested Nunney Khan, and lodged him safely in jail. The next morning this miscreant was dressed in jail clothing, and placed among twenty prisoners. Ghasitan and Nasiban were then asked separately and independently to walk down the line of prisoners and see if they could recognize the man who had poisoned them. Each in turn picked out Nunney Khan. This identification closely established the truth of the tinker's confession. Salamat was made Queen's evidence. Nunney Khan

was transported to the Andamans; and the rest got off.

Sutya asked Ghasitan if the conversation said to have been overheard by Ramdaya between herself and her brother was true. She admitted that it was, but denied the existence of the gold anklets. However, later on, after the case had been tried, she showed the inspector where she had concealed the anklets, which were of very considerable value.

Here is the inspector's "conclusion of the whole matter" regarding the chain of circumstances—not very logical, perhaps; but there is not very much logic among the people of India. "Had I not got a false confession, I would not," he says, "have gone to Mahmudabad. Had I not gone to Mahmudabad on a wild-goose chase, the 'degchi' would not have been returned. Had I not forgotten my matches, my pipe would not have gone to the naubai's, and Salamat would have tinkered away in peace, while Nunney Khan would have been the hero of very many burglaries, and this case would have swelled the number of undetected cases."

This is rather a sordid and unsavoury story. Much police work in India, and presumably everywhere else, is of a similar character. I thought it advisable to give an illustration of cases of this nature. I will now turn to a class of crime which has at all events some elements of adventure and the sportsman's spirit.

Cattle-theft is rife in many parts of India. I was familiarly acquainted with its various ramifications in the Province of Sind. To certain tribes cattle-theft constitutes not only the means of livelihood, but their very breath of life, and the object and joy of existence. The higher-class cattle-thief is very

daring, and very clever. But frequently there is no particular need for either of these qualifications. Large numbers of cattle or of goats are put to graze in the jungle with only mere children in charge of them. I have seen not only boys, but even young girls employed in looking after flocks and herds. It is wonderful how obedient the animals are to their youthful masters or mistresses. A tiny urchin exercises undisputed control over a cow or a buffalo that could take his life in a moment, if such a course occurred to it. But in the midday heats the children are apt to go to sleep in the shade. Here is the opportunity for the thief. A cow that has strayed a little distance from its companions is easily led away, and kept in some place of concealment.

It is seldom that the owner of stolen animals appeals in the first instance to the police. It would save a great deal of trouble if he did. But to recover his cow or buffalo or camel through the police means the necessity of spending considerable time, and undergoing an immense deal of worry in giving evidence before the magistrate, whose court may be twenty miles away. Apart from all the trouble, he knows that the result of the case is rather problematical. So he prefers to first try other means of recovering his property. If he suspects any particular man, he goes to him, and endeavours to come to terms. At first he is met with an indignant denial of the calumny. Then threats of the police are introduced, and after the interchange of negotiations has been sufficiently lengthy to vindicate the self-respect of the thief, an amicable arrangement is arrived at. Five rupees change hands, and the owner is informed that the missing animal will be found tethered in a certain thicket on the following day.

If the owner does not suspect any one in particular, he goes to a gentleman known as a "katkoo," or a cattle-theft agent. The katkoo has of course some other ostensible means of subsistence. He may be a cultivator, or small farmer; but every one, including the police, knows how he makes most of his money. To prove it, however, is a very different matter. The agent is in touch with all the cattle-thieves for miles and miles around. He takes a couple of rupees or so as a retaining fee. The amount of the fee varies in ratio with the value of the property stolen. He bids the owner go home, and come again in ten days' time. On the owner's return the katkoo tells him that he has been put to very great trouble in the matter, but he has managed to find out where the missing cattle are. His charge for all that he has done is only thirty rupees. "Only thirty rupees," moans the owner, who protests that he is ruined, and utterly unable to produce such an amount. After a flow of talk, somewhat less than the sum demanded is accepted, and the owner learns that the animals are safely bestowed in the Government cattle-pound at such and such a place, where he can have them on payment of the pound-keeper's fees.

If the owner cannot come to reasonable terms with the katkoo, he then applies to the police. But he will not admit that he has tried any other method of recovering his property. Ten days or more have elapsed since the theft, but he tells the police that it occurred "last night." The police make inquiries, and soon find out that this statement is false. What they do next depends on the morality of the individual policeman. The proceedings tend to become very complicated. Perhaps Head-Constable Khan

Mahomed confronts the owner with the katkoo, and arranges terms acceptable to both, a little gratification for himself forming part of the bargain. Or if he is a smart man, and desirous of promotion, he puts pressure in some way or other on the agent, and gets him to produce the thief. Evidence which may be reasonably expected to convince the Court is got together one way or another. The evidence may not be true; but there is no doubt that the accused has committed the theft, so it does not do to be too particular. If the thief is convicted, the sentence has a very deterrent effect in that part of the world for a long time to come.

The thief is sometimes an enterprising free-lance who comes from a long distance, and is not known to the local katkoos. Then the tracker is requisitioned. Some trackers are members of the police-force; others, not liking to live away from their own village, or being averse from any kind of discipline, prefer to maintain their independence. In many parts of India the trackers are marvellously clever. Tracking is an hereditary instinct, not an art that can be acquired. The "peri," as the Mahometan tracker is called in Sind, or the "puggi," as the Bhil tracker is designated in Khandesh, is from his early childhood accustomed to looking after his father's cattle as they graze in the jungle, and to following up the footprints of any that stray. He is initiated in all the signs and marks that may be left either by animals or by men. He gets to know by sight the footprints of any member of his village, as surely as we can recognize the appearance of any one with whom we are familiar. An experienced tracker will follow a man or an animal for a hundred miles or more. The prints may be lost temporarily

by reason of water, or on a hard road ; but the tracker, not in the least disconcerted, takes a sweep round till he comes upon them again. When the thief is arrested, and the stolen animals recovered, the evidence of the tracker is of the utmost importance in the magistrate's or judge's court. The tracker's skill and veracity are often put to a practical test. The accused and a few other people are directed to walk about on some soft ground outside the court. The tracker is then summoned, and in the presence of the magistrate or judge he has to pick out the footprints of the prisoner.

Most cattle, while grazing, have a bell hung round their neck. The more valuable the animal, the more elaborate is the bell. Buffaloes often have quite handsome bells which possess a clear, rich tone. Distances in India are always considerable, and flocks and herds are often kept for weeks at a time grazing on grounds which are too far from their owners' village to admit of their returning home each evening. A hedge of dried "babul" thorn is generally placed round the spot where the cattle sleep at night. Sometimes two or three clever thieves will steal a whole herd of buffaloes in spite of this protection. The difficulty is of course the bells. The thieves sneak into the enclosure carrying a quantity of thick clay. With this they fill up the bells, which consequently emit no sound. On both sides of the River Indus there is very rich grazing. There is also a great deal of extremely dense forest. Experienced thieves will drive a herd of buffaloes to the nearest part of the river, swim them down for many miles, and conceal them in the fastnesses of the forest on the other side. A special force of fifty men, known as the Riverain Police, had for years

to be employed in patrolling both banks of the river with a view to suppressing this form of crime. They did excellent work, recovering many cattle, and bringing a number of professional thieves to justice. The thieves, when traced to their lairs, offered desperate resistance, and several plucky constables lost their lives in attempts to arrest these marauders. One curious point in the cattle-theft trade was the sale value of the proceeds. Any one would buy stolen cattle if he thought it safe to do so. The price varied with the risk, and the risk depended on the distance which the thief had conveyed his booty. A camel of which the actual value was a hundred rupees would sell at one rupee for each mile that it had travelled from the place where it was stolen, up to a hundred miles, when it fetched its full value.

Sometimes stolen animals are purchased in perfectly good faith, and it is certainly hard on the purchaser to have to give up his purchase without being able to recover the price that he paid for it. In March 1907 the Punjab police found a valuable buffalo, for which they had long been making inquiries, in the possession of an eminently respectable farmer named Faiz Ahmed. The buffalo had been stolen a whole year before from a man named Wilayat. Faiz Ahmed strongly objected to giving up the buffalo, but he was informed that he must make whatever representation he liked to the magistrate. His statement, which was perfectly true, was that he had bought the animal for one hundred and twenty-five rupees from one Khair Din. Khair Din was found, and he proved that he had purchased the animal at the Umritser cattle-fair from a Hindoo named Ramchund for ninety rupees. The buffalo was then in very poor condition; but Khair Din



fed it well, and was able to sell it at a considerable profit. Ramchund in his turn had purchased it for a hundred and fifty rupees from one Hakoo; and Hakoo had paid a hundred and sixty-five rupees for it to one Wadhawa Sing. Beyond this the Punjab police were unable to go. They could not discover how the buffalo had got into the possession of Wadhawa Sing. So they prosecuted that gentleman for receiving stolen property, and he was convicted, the buffalo that was the cause of all these complications being restored to Wilayat. Both Wadhawa Sing and Faiz Ahmed were dissatisfied with the magistrate's orders, and the case went on appeal to the Chief Court of the Punjab. This Court acquitted Wadhawa Sing, holding that guilty knowledge on his part was not proved, at the same time recording that the buffalo had undoubtedly been stolen. The Court also held that undoubtedly Faiz Ahmed had acquired the buffalo honestly, after it had been bought and sold in open market. The question therefore was whether the original owner Wilayat was entitled to recover the buffalo from the possession of an honest purchaser like Faiz Ahmed. The conclusion arrived at was that "a seller cannot give to a buyer a better title than he has himself; and Wilayat was therefore entitled to recover the buffalo, to which the first, at all events, of a series of sellers, had no good title."

## CHAPTER XXI

### CRIME AND CRIMINALS (*continued*)

MURDERS, dacoities, and robberies, however prevalent they may be, are not exactly matters of everyday occurrence. It is offences of a milder kind with which the police are more generally concerned. In this chapter I will give some illustrations of these. They will include theft and fraud, and various phases of the confidence trick. If one or two crimes of violence find place here, it will be on account of the fraudulent features which the cases may possess.

I will commence by quoting in full a delightfully naïve letter written from Madras in January 1780, shortly after his arrival in India, by a young cadet named Thomas Munro. He had worked his way out as an ordinary seaman, and he was glad to be free of the company of the sailors, and of the soldiers who were his fellow passengers. We should hardly gather from his letter that this young Moses Primrose was likely to develop into one of the foremost rulers of India known in history as Sir Thomas Munro, Governor of Madras. The letter was written to Munro's mother, and runs as follows :

“ When the ship anchored in the roads, a number of the natives came on board. They were dressed in long white gowns. One of them, a grave, decent-looking man, came up to me ; he held a bundle of

papers in his hand which he begged I would read ; they were certificates from different people of his fidelity and industry. He said that strangers on their arrival in India were often at a loss for many necessary articles, but that I need give myself no trouble, for if I would only give him money, he would purchase for me whatever I wanted ; he would attend me as a servant, and would be content with such wages as I should think upon trial he deserved. I congratulated myself upon having met with so respectable a person in the character of a servant. He said he would go on shore and get me another, for that no gentleman could do without two, and that he would at the same time carry my dirty linen to be washed. I had only a few changes clean ; I gave him the rest.

“ Two days after, when I came ashore, I found my old man standing on the beach with half a dozen of porters to carry my baggage to Captain Henderson’s house. I went early to sleep, quite happy at being rid of my old shipmates the soldiers.

“ My servant entered the room while I was dressing next morning. He surveyed me and then my bed with amazement. The sea-chest, which occupied one-half of the chamber, was open ; he looked into it and shook his head. I asked the cause of his wonder. ‘ Oh, sir, this will never do ; nobody in this country wears buff waistcoats and breeches, or thread stockings, nor sleeps upon mattresses ; sheets and blankets are useless in this warm climate. You must get a table and chairs and a new bed.’

“ I was vexed to learn that all the clothes, of which I had taken so much care in the passage from Europe, were now to be of no service.

“ He inspected the contents of the chest. The whole was condemned, together with the bed-clothes,

as unserviceable, except three or four changes of linen which were to serve until a tailor should fit me out in a proper manner.

“ ‘It is customary with gentlemen,’ said the old man, ‘to make a present of all their European articles to their servants, but I will endeavour to dispose of yours to advantage ; four guineas will buy a table and chairs, and cloth for the tailor, and as Captain Henderson is gone to Bengal, you must get a couch of your own ; it will not cost above two guineas.’ He went out with the six guineas, leaving me with an empty chest, and my head full of new cuts of sleeves and skirts, which the tailor was to make in a few days. But all my schemes were disconcerted by some unfortunate accident befalling my good friend with the credentials, for he never returned.

“ This unexpected blow prevented me from stirring out above twice or thrice in a week for several months after. On these days I sallied forth in a clean suit, and visited all my friends. I rose early in the morning to review my clothes ; after having determined whether shirt No. 3 or 4 was best, I worked at my needle till breakfast. When it was over, I examined the cook’s accounts, and gave orders about dinner. My pay as a cadet was eight pagodas (a pagoda was worth about 7s. 6d.) a month. Of this I gave two to a servant called a dubash, one to a cook, and one to a washerman ; the remaining four were to answer every expense in a place where everything is sold at the highest price. With all my economy, it was near six months before I could save money to buy me a few suits of linen.”

I am afraid that there are many impostors nowadays as unprincipled as this “grave, decent-looking man” ; but I must say that I have never come across

a youngster quite so "green" as the future Governor of Madras!

India has always seemed to me a very Paradise for swindlers. No lie is too incredible for the generality of people to swallow. The more amazing and preposterous a thing is, the more readily it is believed. Experience goes for nothing. The same people will be taken in over and over again. I remember a fakir in Upper Sind, who had acquired a tremendous reputation, and therewith a fine collection of silver rupees, for his wonderful gift of turning girls into boys. It was rumoured that in village after village he had achieved this miraculous result. To verify the rumour of course occurred to no one. Parents of daughters who devoutly wished that their offspring were of the male instead of the female sex, welcomed the holy man to their houses, and gave him the best of food and as much money as they could raise. He either disappeared, or else explained that in this particular instance, though he had succeeded elsewhere, there was some hostile influence at work which must first be overcome. He gave directions for this, such as visiting a certain shrine, or giving alms to the poor, and promised in due course to come again and make his host and hostess happy.

The following account of the "confidence trick" is given by Thornhill: "A reputed alchemist appears in a city; he manages to get an introduction to some man of means, a believer in his science. The alchemist is plausible; he gains the confidence of his patron, and presently offers to show him a proof of his skill. The patron provides a large amount of silver; it is conveyed away and buried in some unfrequented place, the alchemist all the while

performing many incantations. The patron is then directed to return after, say, twenty days, and dig up the deposit, and he will find that the silver has become transmuted into gold ; but in the meantime neither he nor any one else is to come near the spot, or the charm will be broken. It is almost needless to say that when the twenty days have expired, both silver and alchemist have disappeared.

“ Some alchemists proceed in a more scientific manner. They melt a lump of lead or copper in the presence of their patron, and from it they do really appear to extract a small lump of gold. Of course the lead and copper are removed, and the gold substituted by some sleight of hand. Confidence in their powers thus established, they obtain money from their patron to almost any extent.”

The transmutation of metals is effected in various ways. The mystical incantations and the regulation patter of course always form part of the operation. Sometimes the alchemist has a mysterious apparatus in which the baser metal is transformed into gold. After the chanting of hymns, and throwing about of powder which is supposed to possess miraculous properties, he takes out from his apparatus a quantity of yellow dust which with a great air he hands over to his victim. Before the credulous gull realizes that the dust is not gold, but merely brass filings, the alchemist and his fee are far away. It is not only to metals that the philosopher's stone is applied. Ignorant people are ready to believe that their fortune can rapidly be made by the doubling of currency notes. An up-country Hindoo named Bissesswer Pundit was, a couple of years ago, captured by the Calcutta police after a long career of fraud of this nature. He had several confederates of

engaging manners and amusing conversation. It was the business of these to secure a dupe. Making themselves agreeable to a likely person, and very possibly giving him a good meal at an hotel, they would turn the conversation to the marvellous dexterity of their friend the Pundit, both in changing silver into gold, and in doubling currency notes. The stranger's curiosity, not to say avarice, is aroused, and he begs to be allowed to witness an exhibition of the Pundit's skill. A certain reluctance is shown in according this permission, but as a special favour an arrangement is made. The next day the stranger is taken to a house or garden where he is to be granted an ocular demonstration of the Pundit's powers. So far from making his fortune, before long there is taken away from him even that which he had.

One of these victims was a Bengali named Chundra Dutt, a young gentleman very desirous of money for the gratification of his pleasures. He was taken to a secluded garden in the suburbs of Calcutta, and introduced to his future benefactor. The Pundit first produced his stock-in-trade. This consisted of a few glass tubes, some acid, and scraps of carbon paper for taking impressions. He then asked Chundra Dutt for a ten-rupee Government currency note. Taking this with him, he retired for a few minutes into a room, where he pretended to be engaged in certain chemical operations, at the same time uttering incantations and singing hymns. He emerged with another ten-rupee note, belonging to himself, and gave it to the Bengali, whom he told that he had produced it by his magic spells. Chundra was delighted, and handed over some more notes, including one of a hundred rupees, all of which were doubled. His cupidity was now greatly excited,

and he arranged with the Pundit that the next day he should come again with a thousand-rupee note. Chundra did not possess a note of such value ; but so infatuated was he with this new method of rapidly becoming rich, that he broke open his father's bureau and stole a note from it. The next day he kept his appointment in due course. Bissesswer now explained that it would take longer to double a thousand-rupee note than a ten-rupee note, and begged his visitor to refresh himself with fruit and cigarettes while he performed the operation. The Pundit passed on the note to one of his confederates, who went straight off to the Currency Office, and there received its value in ten-rupee notes. After Chundra had waited a couple of hours or so, and was beginning to lose patience, Bissesswer came out, and, with the most profuse expressions of regret, showed him some burnt-up scraps of paper, saying that on this occasion the experiment had ended in failure, as a little too much acid had unfortunately been used, and the note destroyed. The miserable Chundra had the good sense to take the wisest course that was open to him. He went straight home, and confessed everything to his father. Father and son immediately went to a superior officer of police.

It so happened that the police had lately received a warning from Upper India that a swindler, who answered to the description of the Pundit, was likely to be visiting that part of the world. A party of police at once accompanied the pair to the house where Bissesswer had been carrying on his operations. Just outside it they came upon the Pundit in a ticca-ghari, or hackney conveyance. He was about to remove himself and his belongings to a fresh field of industry. On his person were found



bundles of ten-rupee notes amounting in all to four thousand rupees. It was ascertained that he had in the last two months cashed four notes of a thousand rupees each at the Currency Office. His finger impressions were taken, and it was learnt that he had two previous convictions against him for similar offences under different aliases.

Whenever a parcel or consignment of any description, large or small, is despatched by rail in India, the sender is given by the station-master a receipt on a printed form, in which the description, weight, and value of the consignment are recorded. The consignee is not allowed to take delivery unless he produces the receipt. The book of forms is supposed to be kept most carefully in the custody of the station-master, or of some responsible clerk. The instructions are generally carried out; but occasionally an act of carelessness may occur, and this is liable to cause complications. Railway receipts for goods accepted for transit have come to be looked upon as negotiable securities. I have known various frauds, involving thousands of rupees, committed in connection with these receipts. If an unscrupulous person gets hold of a form, he has only to fill it up with the description of any article that he likes, and he can easily raise money upon the strength of the document. A couple of years ago a Bengali Baboo of the name of Birendranath went to an old-established firm at Umritser, and asked if they were prepared to purchase a large quantity of sugar of which he wished to dispose. The sugar was represented as awaiting sale in his warehouse in Lower Bengal. After some negotiations the firm agreed to purchase sugar to the value of thirteen hundred rupees. The Baboo agreed, and, after a few days' absence, again

presented himself at the firm's house of business, and produced a railway receipt. The receipt, which seemed in all particulars to be correctly filled in, showed that the sugar had been accepted by the railway company, and despatched to the firm at Umritser. Goods trains travel slowly in India, and the consignment could not be expected for a fortnight at the earliest. The Bengali asked for a portion of the sum agreed upon in advance. This was no unusual demand, and upon the security of the receipt he received an advance of six hundred rupees. The Umritser firm is still waiting for the sugar, for it only existed in the imagination of Birendranath, who had contrived to appropriate the blank railway receipt, which he had filled up to suit his purpose.

The Baboo's ingenuity did not end here. Besides railway receipts, the halves of currency notes are often used as security or earnest money in a transaction, the second half being handed over when the bargain is completed. Of the six hundred rupees which Birendranath received from the sugar-merchants, a portion consisted of a currency note for five hundred rupees. With this he went to a cloth-dealer in Umritser, and purchased Cashmere shawls and other goods to the value of seven hundred rupees. He then cut the note in two, gave half to the cloth-merchant, and, saying that he would come again in a fortnight and make further purchases, he went away, taking most of the articles that he had selected, but leaving a portion, worth two hundred rupees, in token of his good faith. It was arranged that he should hand over the second half of the note when he came again. His next proceeding was to buy an intermediate-class ticket for Lahore. Here he went to another shawl-merchant, where in

exchange for the second half of the five-hundred-rupee note he received pushmina cloth worth a hundred and fifty rupees, together with the balance of three hundred and fifty rupees in cash. He then disappeared, and I regret to say that so far as I am aware he is still at liberty to pursue his nefarious practices. Of course the respective halves of the note were perfectly-useless to the two cloth-merchants. Perhaps they have joined the two pieces together, cashed the note, and received two hundred and fifty rupees each wherewith to console themselves.

It is by no means uncommon for criminals to get hold of police uniforms, or to have imitation uniform made up, the better to carry out their schemes. Here is an account of a daring crime, taken from the *Calcutta Statesman* of September 1908:

“ It appears that, at about 9 o'clock on the night of the 17th instant, half a dozen stalwart Bengalis wearing police uniform called at the house of Babu Kissori Mohon Roy, Zemindar of Bighati, who is also president of the local *Panchayat*, and, on approaching the darwans at the gate, asked to be allowed to interview Kissori Babu, saying that they were police-officers, and wanted him on urgent business. Kissori had retired to his bedroom, in the inner apartment of the house; but his elder brother, Babu Khetro Mohon Roy, was downstairs. A darwan [gate-keeper] informed the latter of the arrival of the ‘police-officers,’ and also sent word upstairs to Kissori Babu, who, being taken by surprise, desired to be informed what particular business they had with him, and stated that unless they specified it he would not go down to see them. In the meantime, Khetro Babu, who had already seen the men at the gate, went to his brother and informed him that

the police-officers had declared themselves as inspectors of the Calcutta Criminal Investigation Department, and that they had come to search the house, as it was suspected that Kissori Babu had been manufacturing bombs on the premises, and had retained, with guilty knowledge, some stolen property belonging to the late Babu Panchanan Roy, a distant relative of Kissori Babu. This startling accusation apparently confounded Kissori Babu, who then went downstairs and confronted his visitors. As soon as he met the 'policemen,' one of them presented a loaded revolver, and, pointing it towards him, said in a threatening manner that if he raised any alarm he would be shot dead at once. Thereupon Kissori Babu remained silent, and was made to sit in his drawing-room, where the men had in the meantime assembled. Then the keys of the boxes and iron safes were demanded. They were at once delivered up, and four men, each of whom carried a revolver, went to the inner apartments of the building, apparently to conduct the search, Kissori Babu being detained by the fifth man in the drawing-room. The search-party proceeded upstairs and made a thorough and minute search of the whole house, and opened the boxes, safes, almirahs [cupboards], etc., of which the keys had been given. Other boxes, of which keys were not available, were broken open with an axe which the dacoits had brought with them. A list of the articles seized was prepared, and ornaments and jewellery worth about Rs.2,000 were collected and put together in two cash-boxes. An old copy of the *Yugantar* newspaper was also captured, and a muzzle-loading gun belonging to Babu Khetro Mohon Roy, who held it under licence, was also seized.

The ladies of the house were not interfered with, and were allowed to remain in a separate apartment. They were wearing several gold ornaments of value, but these were not seized.

“ While the search was being conducted inside the house, two police-constables on their rounds happened to pass by the gate. They were not, as they should have been, in uniform. Seeing, to their surprise, a police-inspector, as they took the dacoit stationed at the gate to be, they were about to retrace their steps. The bogus police-officer, however, challenged them, and asked who they were. They explained, and apologized for not having put on their uniform. They were admonished, and directed not to go away, but to keep a watch around the house, as an important police search was proceeding inside. Without any suspicion that anything was wrong, the constables carried out the order, and patrolled up and down *the street*.

“ The party, after looting the house, left, and after going a few hundred yards the boxes were taken from the darwan, and, the contents being extracted, the boxes were thrown into a neighbouring tank, and the darwan directed to return home. On his arrival at the house he reported the matter to his master, who then became suspicious that his visitors were dacoits, because the boxes had been thrown into a tank, and the men went towards Mankundu instead of Singur. Early next morning he went to the Singur Police Station with the local chowkidars, and on inquiry learned that the men were bogus police-officers.

“ Eventually, however, five of the men were apprehended under remarkable circumstances. It appears that the party, on their way back, halted for a short .

time at the garden-house of the Mankundu Zemindar, where they went to bathe. Some members of the zemindar's family were seated by the side of a big tank, on a raised platform, at about one in the morning, as the night was sultry. They saw the dacoits entering the water, and one of them was recognized by a boy present. When the news of the dacoity leaked out next morning, the police heard of the nocturnal bath, and, in the course of further investigations, were taken to a house in Bhodessur, where a member of the gang lived. There the police arrested four persons, named Kartic Chunder Dutt and Romesh Chunder Banerji of Santipore, Poresh Chunder Bagchi of Rungpore, and Suresh Chunder Mozumdar of Burdwan. On local inquiries it appeared that the house in which the arrests were made had been rented by Kartic Chunder Dutt, who is a National Volunteer and had been visiting the place. It should be stated that Kartic Chunder Dutt was convicted in the Santipore Missionary assault case. The accused belong to respectable Hindoo families, and are well educated, Kartic Chunder Dutt being an undergraduate of Calcutta University."

Those "who only England know" would think the following story an entirely imaginary one. It is nevertheless not only true, but on record in the Courts. At one time in the city of Bombay there were two or three gangs the members of which used to cut and wound each other for purposes of false accusation and extortion. Their plan was to cut one another's neck and arms by turns, and then accuse some rich passer-by of having attacked them. Rather than be hauled before the police, and perhaps be convicted, the victim of this imposition would prefer

to hand over a considerable number of rupees to avoid future troubles. For a long time the conspirators made a rich harvest by their nefarious methods. The whole thing at length came to light in a very unexpected way. It was the turn of one of the younger members of the gang to have his neck cut. The person appointed to do the cutting happened to have been indulging in liquor. He was a barber by profession, but instead of making a slight cut with his razor he accidentally inflicted a mortal wound. The gang, on seeing what had happened, were terror-stricken, and ran away, abandoning their wounded companion. The police were soon on the scene, and before he died the unfortunate wretch had time to give information which led to the arrest of all his associates.

Time after time has some *soi-disant* rajah or nawab taken a house in Calcutta, and lived in great style, with his minister, secretary, and so on; furniture, carriages, and servants being engaged with a little cash down and promises plentiful as blackberries. Jewellers are invited to come and display their wares before the great potentate. Some few articles are bought, and the price ostentatiously paid at once. The jeweller is invited to leave his pearls and diamonds for the inspection of their highnesses the ladies of the establishment. He willingly accedes. The next day the dealer comes for payment. But his High Mightiness the Rajah of Khuda-ko-malum has disappeared, and the place knows him no more. Astrologers in many parts of India drive a roaring trade. Love-philtres, charms against ill-luck, and amulets to ward off an overhanging ill-fortune which the astrologer has predicted, find a ready market. Self-styled professors undertake to cure every ail-

ment that exists by some remedy known only to themselves. The patient who consults them may esteem himself lucky if he loses only his money and not his health. One ingenious man went round village after village telling the people that he was ordered by Government to vaccinate all the children. He at the same time intimated that for a consideration he was ready to report to his superiors that he had carried out his orders without actually performing the unpopular operation. Needless to say, he prospered exceedingly—until he was found out. *Life-insurance offices in India are frequently victimized.* A man in failing health wishes to make some provision for his family. He insures his life for a considerable sum; but it is an obliging friend, in full vigour of life, who in his name appears at the insurance office and before the medical officer. Or a man insures some one else's life for a large sum. He pays the premium regularly for a time, and then sends in a medical certificate that the person on whose behalf the insurance was effected has died of cholera. The gentleman who is supposed to have died has merely removed to some salubrious locality for a change of air. As for medical certificates, native practitioners will sign anything for an insult conveyed in the coins of the realm. A not uncommon trick is for a man to tutor half a dozen witnesses to corroborate his assertion that he lent a sum of, say, a hundred rupees, to some person who refuses to repay the loan. The money, of course, was never lent; but experience shows that the simplest way to deal with the extortioner is to forge his receipt for the repayment!

I remember a case in the Ahmednugger District in which a gang of Hindoos, who had got hold of a



low European as a figure-head, went about the villages with large quantities of cloth. They called themselves the "Star of India Government Cloth Agency," and stated that the Sirkar (Government) had ordered that the inhabitants of each village were to buy a certain quantity of their stock-in-trade. The presence of a white man served to confirm this statement. As the rates charged for the cloth were absurdly high, the impostors reaped a fine harvest, until I had the pleasure of running them in.

Another fraud which I helped to put down was the sale of women from the Punjab to the landholders in Sind. Professional agents brought down a number of ladies who were said to be of respectable Mahometan or Hindoo families. As a matter of fact they were of very low extraction. Several hundred rupees were frequently paid to the agent for the hand of one of these presumably attractive brides, and formal marriage ceremonies were completed. The wife ingratiated herself with her husband, and was in course of time entrusted with all his belongings. One day she would disappear with the valuables of the household, go to her home in the Punjab, and there enjoy a thorough holiday. Later on, she would return to Sind and be married to another zemindar, whom she would fleece in the same way. Another fraud that I met with at one time was a very curious one. A Manchester firm exported large consignments of bandanna handkerchiefs, stamped with the likeness of ten-rupee notes. This, of course, immediately suggested a golden road to riches. The patterns were cut out, pasted on paper, and disposed of to the ignorant and credulous villagers as genuine currency notes. The



POONA POLICE OFFICE ESTABLISHMENT



Government of India were obliged to prohibit the importation of the handkerchiefs.

When I was in charge of the Railway Police, I came across fraud of almost endless variety. Packages containing lead were handed over for despatch as consisting of silver bullion, and their value insured for the corresponding amount. The consignee, of course, made out that the transformation had been effected during transit, whether by the guard or by some other agency, and the railway company had to make good the loss that had been incurred. The ticket-clerks habitually charged passengers too much for their tickets, and pocketed the difference. This led to two things. The buying of tickets too often resolved itself into a process of arguing and chaffering about the price to be paid, and a consequent maddening waste of time. Again, a swindler would hang about a station, and impose upon intending passengers by saying that he was in a position to buy tickets at cheap rates. The passenger would hand over the money which should purchase a ticket for a journey of a hundred miles or so. The benefactor bought a ticket for the next station only. His victim, being unable to read and write, accepted the ticket without suspicion. At the end of his journey he had of course to pay over again. Sacks of grain used commonly to be stolen from open trucks when a goods train was going slowly up an incline at night. With a little practice it was easy to mount a train travelling at seven or eight miles an hour; while to throw off the sacks was a simple business. I found the best way to stop this kind of thing was to place one or two armed constables on the goods wagons with instructions to fire buck-shot cartridges against any depredators. One of

these cases came to light in an unexpected way. Experts in wheat can detect a great difference between the crops grown respectively in the Punjab and in Sind. It was noticed in a village of Lower Sind that the young shoots of wheat which were springing up were of the Punjab and not of the Sind variety. The cultivators had sown wheat stolen from passing trains. At one time the thieves took to greasing the lines. The wheels of the engine were constantly unable to grip the rails on an incline, and the train was brought to a standstill.

Innumerable advertisements appear in the Indian newspapers inviting people to undertake the sole agency for the sale of manufactures which it is desired to introduce into new districts. A certain sum is required as security. The prospects held out are bright and alluring. The money asked for as security is remitted, but the would-be agent hears no more about the appointment. One disappointed man went to the address given by the advertiser only to find that it was a stable, where he had arranged to call for his correspondence. Or the advertisement is for a clerk, who can write a good hand. A salary of fifty rupees a month is offered to an approved candidate, who is required to put down some hundreds of rupees as security. A man may actually be appointed, and his salary paid for a couple of months, when his employer disappears, to play the same game elsewhere. Tempting advertisements are now and then to be seen in which applications for the post of manager for a zemindar's estate are invited. Testimonials of respectability are to be submitted by a certain date. Security is of course a *sine qua non*. The favoured candidate is asked to call at the address of the advertiser. He

does so, and is received by an agreeable gentleman who occupies a stylish office and says that he is the agent of the Maharajah of Divanapur. The agent, after some conversation, informs the applicant that he is the very man for the place, and he may consider himself appointed. The Maharajah's confirmation of the agent's selection will be required, but this is merely formal and nominal, and will be received in a few days. Meanwhile, the security money may be left. The would-be manager congratulates himself on his good fortune and leaves the money. This is of course the end of the transaction. The category of fraud is seemingly inexhaustible. Amongst other varieties of the confidence trick may be mentioned the free-prescription trick, blackmail of all descriptions, swindles in connection with mock auctions, house-repair swindles, swindles by "V.P.P." or value-payable post, lottery frauds, money-lending association frauds, and a multiplicity of newspaper-prize tricks.

I will conclude this chapter with a story narrated by Major-General Fendall Currie, who was formerly a district magistrate in Oudh. The incident occurred a few years after the annexation of Oudh to the British dominions. When Oudh was an independent kingdom, mutilation was a common punishment for theft or other offences. In the Gonda District there was a man named Manohur, a member of the criminal tribe of Barwars. In his youth he had had both his hands and his nose cut off for pocket-picking at a fair. He said that his hands and nose were taken off the same day in the Nawabi by the orders of a chukladar, because he had been caught in the act of picking the pocket of the chukladar's agent. He did not complain of this. It was the custom ;

and it was his own fault for being stupid enough to be caught. He only got what he knew he would. But he had the ingenuity to turn his misfortunes to gain. He used to attend bathing-fairs, dressed up as a rakshas, or ogre. He had a showman who informed the public that the ogre existed on dead bodies only. He was, moreover, a kind of oracle, ever ready to receive private confessions, and, for a consideration, to grant absolution. While the gaping crowd were looking in wonderment at this strange object, his Barwar brethren improved the occasion by doing a brisk business in picking pockets. Later on, he and his fellow tribesmen were confined in settlements. Manohur bitterly resented the restrictions under which he was placed. He made an offer to the authorities. If the Sirkar would allow him to attend the three chief annual fairs in the district, he would give up his share of the land allotted to his family, and the district magistrate might have his goat!

## CHAPTER XXII

### CONCLUDING REMARKS

I AM sensible that I have carried out my object in a scanty and inadequate way. But the limitations of space are inexorable. Were I to discuss all the weighty details of Indian police organization, this book would assume extravagant proportions, and my readers would lose all patience with the author and his subject. I must content myself with referring to some of the items which I have had to leave untouched. These include the excessive amount of office work and correspondence, which exhausts the energies of all officers from Inspector-General down to sub-inspector; the preposterous number of forms and returns, more especially an Annual Administration Report, bristling with figures, percentages, decimals, and abstruse calculations, which it takes a month every year to prepare, and which nobody reads when it is completed; and an absurd and senseless system of accounts which nobody understands. The rules regarding accounts occupy 103 large pages in the Bombay Presidency Police Manual. Here are some samples: "Contingencies are divisible into four kinds, viz. (a) Counter-signed contingencies; (b) Contract contingencies; (c) Charges audited but not countersigned; and (d) Special contingencies. (a) With regard to counter-



signed contingencies, the control of certain charges under this head, viz. charges for petty construction and repairs, rewards to informers and others exceeding twenty rupees, *post-mortem* examination charges, and rates and taxes, are controlled by Divisional Commissioner"; and so on, and so on *ad infinitum*. It is interesting to know that punkahs are fixtures, but their fringes and ropes are to be classed as office furniture! There are minute orders regarding extra police on account of famine and plague, Cantonment Police, Ramoshi Police Force, and Abkari (Excise) Police. There are elaborate rules for the description, quantity, and supply of arms, ammunition, accoutrements, and clothing; for the management and regulation of Mounted Police Funds, Litter Funds, Line or Sanitary Fund, and Police Provident Fund. There are instructions for transfers and promotion and pension of policemen; rules for the conduct of assemblies, and for music in streets, and for the destruction of stray dogs. There are regulations, as lengthy as a code, for ball practice, for guards, escorts, and sentries, for the Railway Police, for the impressment of carts, and for matters of a medico-legal nature. There are the care of police buildings, scheme for police training-schools, scheme for beat duty, and for court prosecution; rules for the separation of records into A list for permanent preservation, and B list for destruction after each two, five, or ten years, according to the nature of the subject dealt with in the papers. How is a district superintendent of police to look after the administration of his force, and see that the objects of its existence are carried out; that it is for the benefit and welfare of the people, and not for their oppression, when he is overburdened and weighed down by such a mass of responsibilities?

I can only say from my own experience that the strain is so excessive as to be almost intolerable. Somehow, however, everything was done ; but at what a cost to physical and mental capability !

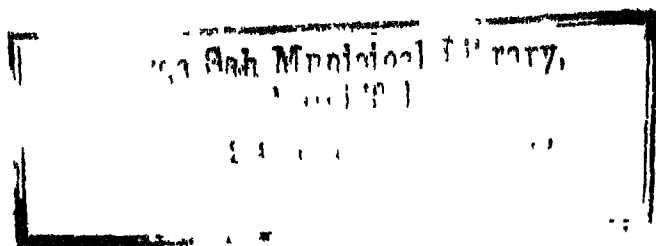
And now what is to be the verdict as regards the Indian Police ? With the most intimate knowledge of their faults and failings I am prepared to sum up in their favour. Their shortcomings are those inherent to the East. They are not exclusive to the Police, but are common to all departments, whether Revenue, Public Works, Excise (including Salt and Opium), Forest, or Subordinate Medical. The difficulties of the police are enormous. Every one is prejudiced against them. They are surrounded by endless temptations. The pay of the rank and file, even with its recent increase, is quite incommensurate with their responsibilities. In spite of all this, I make bold to say that, putting aside a certain percentage of black sheep, the men who enter the force are improved by the training and discipline which are imparted to them, and are superior in ordinary morality and decency of conduct to the mass of the population from which they are drawn.

I will conclude by a few extracts from a delightful book by Major-General Fendall Currie, entitled *Below the Surface* :

“The force is regarded with a suspicion which would be enough in itself to make most men dishonest. It has been truly said, ‘Men will not long submit to being thought corrupt, without reaping some of the advantages of corruption.’ There is no better way of making a man respect himself than to show that he is respected ; no surer way of demoralizing a man than to reckon him demoralized beforehand. Native police-officers have often complained to me

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that the attitude of suspicion towards them by European judges and native magistrates itself drove men into corruption. They said, 'Condemnations are slung at us in judgments, our characters blasted, our reputations ruined on one-sided statements, without the possibility of reply. Is this fair? Is this kind of treatment likely to enhance our self-respect?' As a body the police come in for abuse and wholesale suspicion altogether in excess of their demerits. Nevertheless, in spite of all defects, the fact remains: life and property are more secure than ever they were under any previous régime; serious crime is committed with far less impunity than it even was a quarter of a century ago."



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